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THE CORRECT ANCESTRY OF TIMOTHY FOSTER OF WALPOLE AND DUDLEY, MASS.

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The Foster Genealogy by Frederick Clifton Pierce, published in 1899, states on pp. 926, 928-9 that Timothy Foster, born in Walpole, Mass., about 1715, his brother William and his sisters Lydia and Hannah, all of Walpole, were children of a Timothy³ Foster born in Dorchester, Mass., Jan. 8, 1681, and an unnamed wife whom he married in 1705; said Timothy³ being a son of Sergt. Timothy² Foster and his second wife, Relief (Holland) (Dowse), and Sergt. Timothy² being a son of Edward¹ Foster of Scituate, Mass. No evidence is given or quoted by Pierce proving that the four Walpole Fosters were children of Timothy³ Foster and he cites no authority for that statement—and there is none. But that ancestry seems to have been accepted by many of Timothy Foster's descendants.

The birth years of these four Fosters, as given by Pierce, are wrong, two of them very much so, and seem to have been based upon family tradition of their respective ages when they died or assumed from the dates these people married; as William was assumed to have been born in 1706, it was assumed his father married in 1705; as the Timothy Foster born in Dorchester, Jan. 8, 1681 was the proper age to marry in 1705 and as Dorchester then bounded Walpole, it was assumed he did marry, settle in Walpole and was the father of the four children mentioned. Why Mr. Pierce did not include a fifth child, Margery, perhaps was that as the marriage intention of David Boyden and Margery Foster was not filed in Walpole until Jan. 17, 1749/50 he, if he found it, assumed Margery belonged to a later generation or to another Foster family. But all these assumptions were wrong; the Timothy Foster born in Dorchester, Jan. 8, 1681,

was not the father of these five children; he died without any children who, or their children, were living in 1746, probably was unmarried and his brothers and sisters were his heirs. This is proved by recorded deeds. The parents of the Walpole Fosters were Samuel² Foster of Salem and Walpole (John¹ of Salem) and his second wife, Margery ———; this also is proved conclusively by recorded instruments.

These proofs are printed in the Sections that follow.

Sources of original information and explanatory notes that are indicated by small numbers in the text are printed at the end of the section in which the numbers appear.

SECTION 1

By a deed dated April 3, 1671, Sergt. Timothy² Foster of Dorchester, Mass., acquired from Isabel Fisher, widow of Anthony Fisher of Dorchester and previously widow of Edward Breck of Dorchester, one-half of a tide-mill in Dorchester¹ that had been built by Mr. Breck under an arrangement stated on pp. 176-7 of the History of Dorchester, Mass. (published 1859) as: "1645, Dec. 17. There was given to Edward Breck by the hands of most of the inhabitants of the town, Smelt Brook Creek on the condition that he doth set a mill there." The other half of the tide-mill had been conveyed by William Robinson and his (first) wife, Margaret, on Oct. 7, 1664, to Timothy Tileston of Dorchester, Cooper,² who probably was a brother of Sergt. Timothy Foster's first wife, Ruth (Tileston) Denton. Sergt. Foster owned his one-half of the tide-mill when he died Dec. 16, 1688³; it was included in the inventory of his estate and his will, executed Dec. 15, 1688 proved March 20, 1689, provided that his share in the tide-mill and his other real estate in Dorchester should go to his (second) wife, Relief (Holland) (Dowse), for life; upon her death, the Dorchester lands were to be divided equally among his five children by his second wife, viz.: Timothy, Edward, Prudence, Thomas and Elizabeth, and his one-half of the tide-mill was to go to his son (by his first wife) Hatherly, who "shall take care for the repayrations and mayntayling the mill to work During the time of my beloved wives natural life." In addition to this reversion of one-half of the tide-mill, Sergt. Foster left his lands in Scituate to his son Hatherly⁴ who moved to Scituate, married there Dec. 1, 1698, Bathshua Turner and died in Scituate, July 11, 1751, aged 79 y. 11 m.⁵ Perhaps it was because this change of residence made it impossible for Hatherly Foster to "take care for the repayrations and mayntayling the mill to work" that on March 12, 1702 he sold for £25 and conveyed his one-half of the tide-mill, subject to his step-mother's life interest, to his half-brother "Timothy Foster

of Dorchester, Housewright,'⁶ (the one born Dorchester, Jan. 8, 1681, hereinafter called Timothy, Jr., to distinguish him from his father, Sergt. Timothy and also from Timothy Foster of Walpole); Hatherly's wife Bathsua Foster released her dower right in the property and one of the witnesses was Edward Foster, probably a brother of Timothy, Jr., and a half-brother of Hatherly, as Edward¹ Foster of Scituate was dead. Edward brother of Timothy Foster, Jr., was under age March 12, 1702, and it is doubtful if Timothy, Jr., was then of full age though in his 21st year.⁷ Timothy Foster, Jr., never sold this one-half of the tide-mill but owned it when he died; no record of his death in Dorchester or elsewhere has been found and he has no probate record in Suffolk County, Mass.

Edward³ Foster began acquiring the interests of his brothers and sisters in the reversion of their father's lands in Dorchester. By a joint deed executed Aug. 10, 1708, Thomas Foster and Elizabeth Leeds, widow,⁸ for a consideration of £58: 19: 0 to each, conveyed their respective interests in their father's lands, or the reversion thereof, to Edward,⁹ and in 1715 (date omitted in the record of the deed but it was acknowledged at Charlestown, Feb. 2, 1714/15) Ebenezer Swann of Charlestown, "Marriner," and Prudence his wife, made a like conveyance of their interests.¹⁰ In neither of these deeds was there any mention of the tide-mill or that the grantors claimed any interest in it; it may be Timothy Foster, Jr., was living when these two deeds were executed. With his own one-fifth interest, these two deeds made Edward Foster the owner, subject to his mother's life estate, of four-fifths of his father's lands in Dorchester. There is no deed of record by which Edward Foster became the owner of the one-fifth reversionary interest of his brother, Timothy Foster, Jr., had there been such a deed, it is reasonable to assume Edward Foster would have had it recorded so that he would have had a clear record title to the properties.

When Elizabeth Leeds executed the joint deed of Aug. 10, 1708, above mentioned, she was but 19 years, 9 mos. and 27 days old. Consequently, she executed another deed to her brother Edward Foster on Aug. 2, 1746, conveying to him all her interest in her father's lands in Dorchester and Stoughton, *excepting the Tide-Mill*,¹¹ stating she had given a deed with her brother Thomas Foster on Aug. 10, 1708, "being at that time not of lawful age." The deed dated Aug. 2, 1746 was substantially the same as that of Aug. 10, 1708 except for the addition of the six words in italics. "And Stoughton" was necessary because lands that had been granted to or on the right of (Sergt.) Timothy Foster in that portion of Dorchester New Grant that was known as Dorchester South Precinct, were on and after December 1726, when the town of Stoughton was incorporated, in that town. The

words "excepting the Tide Mill" clearly show that on Aug. 2, 1746 Mrs. Leeds claimed an interest in the Tide Mill. Why otherwise should she except that interest in the conveyance? And that interest of Mrs. Leeds' must have been of the same kind and to the same extent as that of Thomas Foster of Boston, Housewright, who on Oct. 2, 1747, quit claimed to his brother Edward Foster, "any interest or claim in or to one-half of a Tide Grist Mill now tended and improved by Timothy Tileston."¹²

The following deed makes clear what the interests in the Tide-Mill of Elizabeth Leeds and Thomas Foster were and how they became the owners of those interests. Oct. 27, 1747, John Prentice of Lancaster, Clerk, and Prudence his wife, said Prudence being a daughter of Relief Leadbetter¹³ late of Dorchester, Widow, deceased, for £12:0:0 quit claimed to Timothy Tilestone all interest in a tide grist mill in Dorchester said interest being one-eighth more or less "which derived to said Prudence at the Decease (and by virtue of the said Prudence her being one of the heirs of her brother) Timothy Foster formerly of said Dorchester, housewright, dec'd., son of Timothy Foster formerly of said Dorchester, housewright, dec'd." Prudence Prentice acknowledged this deed at Boston, Mass., May 20, 1748,¹⁴ Rev. John Prentice having died Jan. 6, 1747/8.

This deed plainly states Prudence Prentice was a sister of Timothy Foster, Jr., that upon his death she became one of his heirs and that, as such, she quit claimed her interest in one-half of a tide grist mill in Dorchester that he owned when he died; undoubtedly this interest was stated as "one eighth more or less" on the basis that Timothy, Jr., left eight heirs when he died, i.e. two full brothers, two full sisters, one half-brother and three half-sisters. Elizabeth Leeds was one of the full sisters and Thomas Foster one of the full brothers, so their respective interests would be the same as Mrs. Prentice's. His brothers and sisters being the heirs of Timothy Foster, Jr., shows that he left no living children or descendants when he died; consequently he could not have been the father of the five Walpole Fosters.

There is no doubt that the Tileston family became the sole owners of the tide-mill and operated it for many years. The History of Dorchester, Mass., to which reference has hereinbefore been made, states twice that the tide-mill "has been in the last named family (Tileston) to the present day," or "to this day." Therefore, the Tilestons must have acquired sometime and in some manner the interests of the other heirs of Timothy Foster, Jr., but the deeds conveying such interests have not been recorded, or, if they were, the writer did not find them in his careful search. The story would have been more complete had the record of conveyances given by other heirs of Timothy Foster, Jr., been found but it would not in the least have

changed the conclusion that has been drawn from the three recorded deeds that have been mentioned.

The matter of acquiring the interest of any of the heirs of Timothy Foster, Jr., in the tide-mill did not become important until the death on July 7, 1743, of Sergt. Timothy Foster's widow for during her life she, under Sergt. Foster's will, had the right to his share of the profits of the mill.

Sources of information and explanatory notes referred to in Section 1.

1. Suffolk County Deeds, lib. 13 fol. 101. This deed is worth looking up; it shows how a piece of real estate became, for a time at least, personal property. For an account of Isabel Fisher see pp. 11 and 12, *Genealogy of the Breck Family*, by Samuel Breck, 1889.
2. Suffolk County Deeds (printed), lib. 6, fol. 1 a.
3. Record Commissioners' 21st Report, p. 121.
4. Suffolk County Probate Case No. 1719, vol. 9, p. 366; vol. 11, pp. 129-131; while this will provided that if the widow lived until after any of the five youngest children became of age she "might help them to something not wronging herself" and while she lived until July 7, 1743 and married March 9, 1691/2, for the third time, there is no record of any deed of gift, quit-claim deed or release of her claim to any part of Sergt. Timothy Foster's estate in favor of any of her children executed by her.
5. Scituate, Mass. printed Vital Records.
6. Suffolk County Deeds, lib. 21, fol. 201.
7. While Record Commissioners' 21st Report states (p. 24) (Sergt.) Timothy Foster m. Relief Dous, March 9, 1681; (p. 18) Timothy Foster (jr.) b. Jan. 8, 1681, and (p. 19) Edward Foster, b. Jan. 22, 1682, it is probable the birth years should have respectively been stated as 1681/2 and 1682/3. For Commissioners' 6th Report, Roxbury Church Records, states (p. 136) "1681, M. 12, day 26. Timothy, son of Timothy Foster of Dorchester" (bapt.); or as the year is stated in the printed Vital Records of Roxbury, "1681-2." The printed records of the First Church, Dorchester, Mass., say (p. 193) "Edward ye Son of Timothy Foster baptized ye 28 11 82 (or Jan. 28, 1682/3), his wife being a member of ye Church at Charlestown." The three younger children of Sergt. Timothy and Relief Foster were born in months that did not have to be "double dated" and each child was bapt. First Church of Dorchester in the month in which born. Consequently and considering the rules of the Church at that time relative to the baptism of infants, it is reasonable to think Timothy, Jr. and Edward were baptized shortly after each was born and not each over a year after his birth. With these changes in the birth years of Timothy, Jr., and Edward, the record of Sergt. Timothy Foster's family falls into a proper pattern.
8. Elizabeth Foster, b. Oct. 13, 1688; m. Dorchester, May 10, 1705, Nathaniel Leeds who d. Dorchester, Nov. 20, 1707. (Record Commissioners' 21st Report, pp. 34, 104, 126.)
9. Suffolk County Deeds, lib. 24, fol. 39.
10. Ibid., lib. 29, fol. 74. Prudence Foster, b. Dec. 3, 1684; m. Dec. 23, 1707, Ebenezer Swan of Charlestown who d. at sea about 1716. (See Wyman's Charlestown Genealogies and Estates, vol. 2, p. 918.)
11. Ibid., lib. 73, fol. 216. Note that this deed was executed three years after the death of Sergt. Timothy Foster's widow.
12. Ibid., lib. 74, fol. 117.
13. Relief Foster, widow of Sergt. Timothy Foster, m. (3) March 9, 1691/2 Henry Leadbetter as his 2nd wife, and d. his widow, July 7, 1743,

- Mr. Leadbetter having d. April 20, 1722. (Record Commissioner's 21st Report, pp. 101, 139, 131.)
14. Suffolk County Deeds, lib. 76, fol. 66. No record of the marriage of Rev. John Prentice of Lancaster, Mass., and Prudence (Foster) Swan has been found; it probably took place very early in 1719 as (according to her gravestone) Rev. Prentice's first wife died March 9, 1717/18. This deed corrects an error in the "Prentice or Prentiss Family in New England" (1883) which says Rev. John Prentice married (2) "Mrs. Prudence, widow of Rev. Josiah Swan, nee Foster, of Charlestown, Mass." This genealogy also says Prudence died Lancaster, July 10, 1765.

SAMUEL² FOSTER'S FAMILY

Samuel² Foster, son of John¹ Foster, bapt. First Church, Salem, March 7, 1652; died Walpole, Mass., between July 22, 1728, date he executed his will, and Aug. 19, 1728, date it was probated; m. (1) Salem, May 14, 1676, Sarah Steward; m. (2) about 1691-92, Margery ———, who survived him.

Children, all born in Salem:

By first wife:

1. Samuel³, b. May 18, 1677; d. Feb. —, 1677/8.
2. John, b. Nov. 30, 1678; mentioned in his father's will. The History of Salem says John probably m. Nov. 30, 1699, Margaret³ Jacobs, b. Nov. 26, 1675, dau. of George² Jacobs (George¹) and his wife widow Rebecca Frost. See note A.
3. Samuel, b. July 26, 1680; mentioned in his father's will. The statement in the History of Salem that this Samuel m. Mary ——— by whom he had the five children listed on p. 325, vol. 2, is proved in Section 2 of this article to be entirely wrong. The Foster Genealogy says on pp. 700-701: "Samuel Foster (Samuel, John), b. Salem, July 26, 1680; m. in Lynn in 1701" (Reading Vital Records list the marriage as on Oct. 13, 1701), "Sarah Roberts, dau. of Abraham and Sarah. He was of Andover. He died at an 'advanced age' according to his will made in the month in which he died." (The will was executed Feb. 6, probated Feb. 22, 1762.)

Why, after definitely stating Samuel Foster of Reading was a son of Samuel² Foster and was b. in Salem, July 26, 1680, married in 1701 (three months after he became of age), does the Foster Genealogy say "He was of Andover"? Was it because Mr. Pierce, the compiler of the Foster Genealogy, was actually doubtful of the man's origin, as he may well have been? The History of Reading, Mass., by Hon. Lilley Easton, 1874, says, p. 79: "Foster, Samuel, was probably the son of Andrew or Abraham Foster of Andover, and a descendant of Abraham of Ipswich, and of Reginald Foster, who came from Exeter, in England in 1638." Then follow two sentences that Mr. Pierce copied literally in the Foster Genealogy, showing he had noted what the History of Reading said about Samuel's origin.

The present writer has made no investigation into the ancestry of Samuel Foster of Reading except as mentioned above. Because of the uncertainty of the statement quoted from the Foster Genealogy and because of the entirely erroneous state-

ments that genealogy made regarding the ancestry of the Walpole Fosters, as proved in Section 1 hereof, it is suggested that descendants of Samuel and Sarah (Roberts) Foster of Reading do not accept the origin of Samuel Foster as stated in that genealogy until and after thorough investigation proves it correct.

4. Anna, b. July 26, 1683; mentioned in her father's will as Ann Osman. The History of Salem does not say whom Ann (or Anna) and Sarah Foster married. The Vital Records of Beverly, Mass., list the marriage March 8, 1714/15, of John Osmand (Ousman, in int.) and Anna Foster. They had two children in Beverly: Benjamin Osman, b. Dec. 25, 1716, and Sarah Osment, bapt. First Parish church, Aug. 31, 1718. As there are no records of other children born to them and no deaths, it is probable the family removed from Beverly.
5. Sarah, b. Oct. 9, 1685; her father's will mentions Sarah Freeman's two sons. The marriage intention of Jeremy Freeman of Dedham and Sarah Foster was filed in Salem, May 24, 1712; no record of their marriage found. "Jeremy" was the son Jeremiah, b. Dedham, Mass., Aug. 7, 1689, to Ralph and Sara Freeman. Jeremy and Sarah had a son, Jeremiah, b. Dedham, June 30, 1713. No record of the second son, mentioned in Samuel¹ Foster's will. Perhaps the birth of that son was the cause of Sarah's death in Dedham, Dec. 12, 1714. The entire Freeman family removed from Dedham; it is possible they settled in Attleborough, Mass.
6. Joseph, b. March 14, 1687; mentioned in his father's will; the History of Salem says he removed to Ipswich, m. Aug. 13, 1712 Mary^a Creasy, b. July 7, 1686, dau. of Dea. John^a Cressey (Mig-hill¹) and Sarah (Gaines). The record of the marriage in the printed Vital Records of Salem calls him "Joseph Foster of Ipswich." See Note A.
7. Benjamin, b. May 24, 1689;; not mentioned in his father's will, probably d. an infant.

By second wife:

8. Richard, b. Dec. 8, 1692 (see Note B); believed to have been bapt. Middle Precinct church, Salem, March 21, 1714; mentioned in his father's will; the History of Salem says he probably m. (int.) March 19, 1714/15, Lydia^a Rea, b. March 28, 1694, dau. of Joshua^a (Joshua², Daniel¹) and Elizabeth (Leach) Rea. See Note A.
9. Mary, b. Nov. 8, 1694; believed to have been bapt. Middle Precinct church, Salem, March 28, 1714; mentioned in her father's will as Mary Caril; d. Walpole, Mass., Nov. 21, 1756; m. Salem, April 18, 1721, Joseph² Carrill, son of Joseph¹ and Priscilla (Prebble) Carrill, b. Salem, May 27, 1696, no record of his death. Seven children recorded as born in Walpole.
10. Margaret, b. Feb. 4, 1697; believed to have been bapt. Middle Precinct church, Salem, March 21, 1714; mentioned in her father's will as Margaret Caril; no record of her death; m. Salem, Nov. 11, 1726, Benjamin² Carrill, son of Joseph¹ and Priscilla (Prebble) Carrill, b. Salem, June 13, 1702, d. Walpole, March 16, 1769. Six children recorded as born in Walpole.
Benjamin Carrill of Dorchester, Husbandman, conveyed Dec. 5, 1725, 34½ acres 16 rods of land in the 33^d Lot of the Sawmill Divident in Walpole (Suffolk Deeds, lib. 40, fol. 63); but as he neglected to have recorded the deed by which he acquired title to the tract, it is not known when he acquired it.

11. Jonathan, b. April 2, 1699; not mentioned in his father's will; probably d. young but perhaps as a youth and not an infant. The History of Salem says he probably m. Nov. 10, 1720 Priscilla Proctor but, for the reasons stated in Note C, it is believed that statement is wrong.
12. Bartholomew, b. Feb. 23, 1701/2; not mentioned in his father's will and probably d. young.
13. William, b. Aug. 18, 1703; believed to have been bapt. Middle Precinct church, Salem, March 28, 1714; mentioned in his father's will as the principal heir; d. Walpole, April 16, 1751; m. Walpole, Nov. 30, 1732, Huldah Holland of Stoughton, Mass., probably dau. of Nathaniel³ and Mary (White) Holland, b. Brookline, Mass., Feb. 15, 1707/08, probably the "Huldy" Foster who m. Walpole, Oct. 21, 1756, as his second wife, James Plimpton of Foxborough, Mass., and d. Foxborough, April 2, 1782. Seven (Foster) children recorded as born in Walpole.
14. Margery, b. Feb. 4, 1705/6; believed to have been bapt. Middle Precinct church, Salem, March 28, 1714; mentioned in her father's will; d. (no record) before May 25, 1787, date of an inventory of the estate of widow Margery Boyden late of Walpole, deceased, that was filed by the administrator of that estate Nov. 6, 1787; no record of the appointment of said administrator; m. Boston (int. Walpole, Jan. 14, 1749/50) Feb. 2, 1749 (Record Commissioners' 28th Report, p. 239), as his second wife, David⁴ Boyden (Jonathan³, Thomas¹). There is no positive proof that the widow Margery Boyden whose estate was inventoried May 25, 1787, was the widow of David⁴ Boyden but as the principal creditor of that estate was Joshua⁵ Boyden, youngest son of David⁴ and the only Joshua Boyden the Boyden Genealogy says was living in Walpole in 1787, it indicates the estate was that of David⁴ Boyden's widow.
 The Boyden Genealogy (1901) states on page 40 that the David Boyden who married Margery Foster was David⁴, b. Feb. 9, 1732; that was wrong, it was his father, David⁴ Boyden, who married her. Had the compilers of the Boyden Genealogy looked up David⁴ Boyden's probate record they would have found that his widow, Margery Boyden, was appointed Nov. 23, 1759, the administratrix of his estate. (Suffolk County Probate, vol. 55, p. 169.)
 The Boyden Genealogy does not mention any marriages of Boydens and Fosters prior to that of David Boyden and Margery Foster, Feb. 2, 1749/50. Between that date and Oct. 28, 1768, seven of Margery Foster's nephews and nieces married Boydens, one a son, three nephews, one niece, and the dau. of a second cousin, of David⁴ Boyden; this accounts for but six Boydens but one of the nephews married twice, each time one of Margery's nieces.
15. Lydia, b. Aug. 24, 1709; believed to have been bapt. Middle Precinct church, Salem, March 28, 1714; mentioned in her father's will; no record of her death but she was living Jan. 3, 1781, when her husband executed his will; m. Walpole, Jan. 10, 1733, Joseph Willett, the date and place of whose birth and the names of whose parents have not been learned; he d. (no record) between Jan. 3, 1781 and April 30, 1782, when his will was probated. Five children recorded as born in Walpole.
16. Hannah, b. April 7, 1712; believed to have been bapt. Middle Precinct church, Salem, March 28, 1714; mentioned in her father's will; probably the widow Hannah Hartshorn who d. Walpole, March 8, 1793; m. Walpole, Dec. 29, 1731, Joseph

Hartshorn, Jr., son of Joseph and Rachel (Morse) Hartshorn, b. Dedham, March 12, 1709/10; no record of his death but he was living Jan. 19, 1759, when he was confirmed as the executor of his father's will. Twelve children recorded as born in Walpole.

17. Timothy, b. Aug. 18, 1714; bapt. Middle Precinct church, Salem, May 15, 1715; d. (no record) before May 5, 1795, when it is said, his will was proved; m. (1)—int. Walpole, May 19, 1739—Stoughton, Mass., Aug. 29, 1739, by Rev. Samuel Dunbar to Mary May, dau. Eleazer¹ and Mary (—) May, b. Dedham, Nov. 5, 1719, d. (no record) between Aug. 19, 1752 and May 17, 1754, m. (2) Dudley, May 17, 1754, Keziah Lyon, perhaps dau. of Preserved and Joanna (Crane) Lyon, b. July 3, 1728 (but this has not been verified); d. (no record) in 1755; said to have m. (3) Mary Payson of whom the writer has as yet learned nothing. Five children recorded as born in Walpole and eleven as born in Dudley, one son (John second of that name), said to have been born in Dudley, birth not recorded there.

Proof of Mary May's ancestry, including data regarding the May family, will be found in the Boston Evening Transcripts of July 8 and 10, 1929, answer to query 8248, May, and July 31, 1929, answer to query 8690.8, Foster, May.

NOTES

Note A. The marriages of sons John, Joseph and Richard as stated in the History of Salem are given as items of possible information; they have not yet been verified by the writer through proper investigation.

Note B. The date of Samuel Foster's first marriage, the birth dates of his first seven children and also that of his son Bartholomew, are as they appear in Book 1, Salem Vital Records (or Records of Essex County Quarterly Courts). The birth dates of all his children by his second wife, except Bartholomew, are as they appear on leaf 30, Book 2, Salem Vital Records. The births of the first four of the second group, i.e. Richard, Mary, Margaret and Jonathan, are also recorded in Book 1 but the dates differ from those stated herein. The subject of Books 1 and 2 is fully discussed in Section 3 of this article.

Note C. There were other Jonathan Fosters in Salem besides Samuel² Foster's son Jonathan who might have married Priscilla Proctor. One of them was Jonathan³, son of Dea. David³ and Hannah (Buxton) Foster, b. Jan. 10, 1690, who, the History of Salem says was "living in 1743." That statement probably was based upon Mr. Perley's finding in Essex County Registry of Probate, Dea. Foster's will executed 15 Feb. 1742/3, allowed 24 Oct. 1748. (Case No. 9832; Book 328, pp. 201-4.) In this will Jonathan is left three tracts of land each of which he was to share with his brother, David⁴. The division of the first tract was set out in the will: David was to have "The Northerly or Northeasterly End of that lot . . . where my son Jonathan's house Stands To the Ditch running across the Same," and Jonathan was to have the "Southwesterly Part of the Lott of Land where his dwelling house Stands down to the ditch running across ye same." The two other tracts were to be divided equally between David and Jonathan "both for quantity & quality."

David Foster of Watertown, Potter, (his wife Susannah also signing) conveyed 12 Sept. 1753, to Benjamin Felton of Watertown, Yeoman, his interest in these three tracts of land; there is no doubt as to the identity of these tracts. The first piece is said to be bounded on the

northeast by David Foster's land. It is stated the third piece "was heretofore the estate of my grandfather, David Foster, late of Salem, yeoman, deceased, and a moiety thereof devised by him to my father Jonathan Foster, deceased." (Essex Deeds, Book 103, p. 22.)

On 23 Jan. 1756, Benjamin Felton of Watertown, Yeoman, (grantee in the above mentioned deed)—his wife Joanna also signing—conveyed to Sarah Foster of Danvers, Spinster, "the whole of the premises conveyed to him by her brother David Foster, dec'd., formerly of Watertown but now of Danvers, on 12 Sept. 1753," describing the tracts of land substantially the same as in David Foster's deed. (Ibid. Book 101, p. 226.)

These two deeds prove: (1) Jonathan³ Foster, son of Dea. David² Foster, died prior to 12 Sept. 1753; (2) he married for (3) he left at least two children; a son David and a daughter Sarah.

Now the Jonathan Foster who married Priscilla Proctor died prior to the making out of the Danvers tax-list for 1752 as that list contains the name of *Wid.* Priscilla Foster (Danvers Hist. Collns., vol. 3, p. 51). And the printed Vital Records of Salem list the following children of Jonathan and Priscilla Foster as baptised South (the Middle Precinct) Church, Salem: Jonathan, July 1, 1722; Thomas, June 6, 1725; Sarah, Sept. 16, 1725; David, July 20, 1729; Hannah, Sept. 3, 1732 and John, May 6, 1736. In the record of David, the father's name is given as "Jno." and in that of Hannah, "John"; probably mistakes in recording or in copying the church records as there is no record in Salem Vital Records or the History of Salem of a John Foster of Salem with a wife Priscilla in those years.

The Salem Vital Records and those of Danvers do not list the death of a Jonathan Foster, 1745-1754, and no Jonathan Foster of Salem has a probate record in Essex County during that period.

Priscilla Proctor, was b. Salem, Dec. 11, 1699, dau. of Benjamin² (John², John¹) and Mary (Whittredge) Proctor (Hist. of Salem, vol. 2, p. 23); she d. Danvers, Nov. 16, 1767, aged 68 y. (Danvers Vital Records.)

SECTION 2

In the section of the Foster Genealogy devoted to John¹ Foster of Salem, Mass., and his descendants, Mr. Pierce adds to the children of Samuel² Foster (John¹) he had listed on p. 697, the five names following:

6008 1/4	XIII	†William, b. Aug. 18, 1703
6008 1/3	XIV	Margery, b. Feb. 4, 1705
6008 1/2	XV	Lydia, b. Aug. 24, 1709
6008 3/4	XVI	Hannah, b. April 7, 1712
6008 7/8	XVII	Timothy, b. Aug. 18, 1714.

This addition includes the names of the four persons Mr. Pierce stated on p. 926 of the same genealogy were children of Timothy Foster, born Dorchester, Mass., Jan. 8, 1681, and his unknown wife! The fifth, Margery, is mentioned in the preceding list of Samuel² Foster's children.

The dagger against the name of William was to call attention to a note at the foot of the page that reads: "These last five children sent by correspondent in Salem, from the Perley records."

From the numbers Mr. Pierce assigned to these children, it is probable the information was not received from his Salem correspondent until late, when the entire genealogy, or at least the John Foster portion of it, was about completed; for he had assigned number 6008 to Samuel² Foster's son Bartholomew, b. Feb. 23, 1701/2, and number 6009 to Anna Foster, b. April 30, 1677, dau. of John² Foster (John¹). This accounts for the fractions. And perhaps it was due to the late date upon which these data were received that Mr. Pierce apparently made no attempt to extend the record of any of the five children or even to check their names and birth dates against the records of other Fosters having the same given names, to see if these children, or any of them, had been reported to him from his other sources of information.

If "the Perley records" mentioned in the foot note, meant the genealogical notes and records of Mr. Sidney Perley who published his *History of Salem, Mass.*, in 1924 and if Mr. Pierce's correspondent copied those records correctly, then Mr. Perley must have changed his mind between 1899 (or earlier) and sending his *History* to press for on p. 325 of vol. 2 of said *History* he lists these five persons as the children of Samuel³ Foster (Samuel², John¹) and his wife Mary ———. If he made such a change, Mr. Perley made a mistake for the five persons were children of Samuel² Foster, as will soon be proved.

Mr. Perley's first and probably main interest was in land records. He states in the preface to his *History*: "More than thirty years ago, the writer began systematic examination of the titles to land in original Salem," etc. Later on, reference will be made to articles he wrote regarding properties owned in 1700 by some of the early settlers. He examined the records of Essex County Deeds very carefully and made in his genealogical notes concise statements of facts he gleaned from those records. For example his notes on Samuel² Foster state:¹⁵ "living in 1726;" on the page following he states Samuel³ Foster was "dead in 1729" and that his eldest son, William, "lived in Walpole, yeoman, in 1729." The first statement probably was based upon finding in Essex County Deeds the record of a deed executed by Samuel² Foster 14 Nov. 1726, conveying what had been his homestead in Salem.¹⁶ The two other statements probably were based upon the record in Book 53, p. 211, of a warranty deed executed Dec. 29, 1729, by which William Foster of Walpole, Suffolk County, yeoman, for a consideration £30, conveyed to John Jacobs of Salem, yeoman, land at Royal Side, Salem, which was pasture land formerly the estate of Samuel Foster, deceased, father of the vendor, and lies in common with the land of John Waters, Nathaniel Tompkins and others at present,¹⁷ which general pasture was originally hired of the town of Salem

Jacobs and his heirs paying yearly rent of £6 shall be allowed to use and improve it. The witnesses to the execution of this deed were Anna Foster and Sarah Symonds, probably William Foster's cousins, being daughters of his uncle, John² Foster (John¹).¹⁸

With this clue, it was possible to find the record of a deed dated May 12, 1725, by which Samuel Hill of Billerica, Yeoman (Sarah his wife also signing), for a consideration of £205 conveyed to Samuel Foster of Salem, yeoman, and Joseph Carrell of Dorchester, yeoman, jointly, a tract of land containing one hundred acres, more or less, in Walpole, bounded Southerly in part by Thomas Pains land partly by Thomas Metcalf's land, West & Northwest by Napenset River, East and Southeast on Dorchester line; the bounds include 200 acres undivided, 100 acres belonging to John Simpkins of Boston, Marin'r., and Elizabeth his wife.¹⁹ There is no deed of record by which Samuel Foster conveyed any portion of this land or of his interest in it, nor of an agreement with Joseph Carrell dividing the one hundred acres between them; but such agreement of division was made March 8, 1735/6, by Joseph Carrel of Stoughton and William Foster of Walpole, yeoman. The tract had probably been measured in the interim as it was described in said agreement as containing 102½ acres of which William Foster was to have 51¼ acres at the west end.²⁰

This agreement made about seven years after the year in which the History of Salem said Samuel³ Foster died, showed Mr. Foster owned real estate in Suffolk County when he died; and knowing, Mr. Foster had no probate record in Essex County, it was not at all difficult to find in Suffolk County Registry of Probate the record of the will of Samuel Foster of Walpole, executed July 22, 1728, proved Aug. 19, 1728.

The History of Salem lists thirteen children of Samuel² Foster's; this includes his first born, Samuel, b. May 18, 1677, d. Feb. —, 1677/8, and Timothy bapt. May 15, 1715. It also lists five children of Samuel³ Foster including a son Timothy, b. Aug. 18, 1714. These two Timothy records are of one child as will be seen in a moment. Allowing for the death and the duplication, leaves sixteen children to be accounted for. Of the sixteen, the will mentions thirteen, viz.: sons John, Samuel, Joseph, Richard, William and Timothy; daughters Ann Osman, two sons of Sara Freeman (deceased), Mary Caril (Carrill), Margaret Caril (Carrill), Margery, Lydia and Hannah (unmarried). Consequently, the will conclusively proves (1) that the Samuel Foster of Walpole who died between July 22 and Aug. 19, 1728 (there is no record of his death) was Samuel² Foster of Salem and later of Walpole; (2) that the five Fosters of Walpole (viz.: William, Margery, Lydia, Hannah and Timothy) were the children of Samuel² Foster and not, as the History of Salem states,

of Samuel¹ Foster (Samuel², John¹). The three children not mentioned in the will were: Benjamin, b. May 24, 1689; Bartholomew, b. Feb. 23, 1701/2 and Jonathan, b. April 2, 1699; probably all three predeceased their father. The History of Salem gives only the birth dates for the first two; for Jonathan, it gives his birth date and adds: "Probably married Priscilla Proctor, Nov. 10, 1720," perhaps because the Salem Vital Records list the marriage of a Jonathan Foster and Priscilla Proctor on that date. Note C to the preceding list of Samuel² Foster's Family shows it was not Samuel Foster's son Jonathan who married Priscilla Proctor but another Jonathan Foster. This with the fact that son Jonathan was not baptised in 1714 when, it is believed, his brothers and sisters were, and that neither he nor any child of his was mentioned in his father's will (as Jonathan was born in April 1699, he was old enough, if living, to have married and have had some children by July 1728) makes it reasonably sure Jonathan died before 1714 but perhaps as a boy and not as an infant.

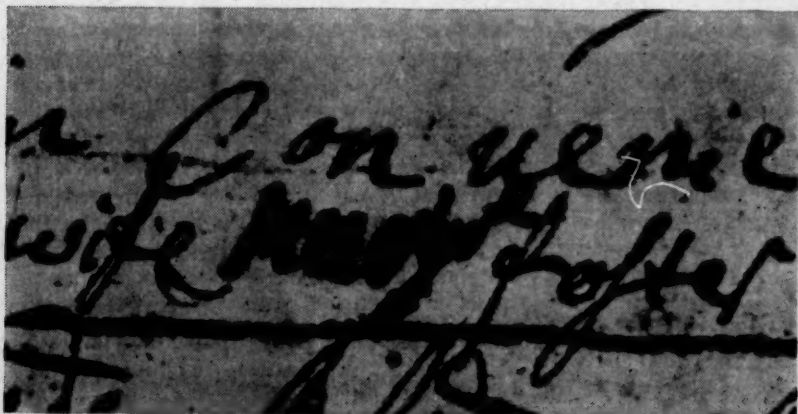
Samuel² Foster left £5 to each of his unmarried daughters (Margery, Lydia and Hannah) and to his son Timothy; to his sons, except William and Timothy, and to his married daughters, except Sarah Freeman, he left various sums of money, from £1 to £4, stating in each case that the amount given "with (or "besides") what he (or she) hath already had, which shall be his (or her) whole share in my Estate." The two sons of Sarah Freeman were left 10 shillings each in Money "besides what their mother hath already had, which shall be their whole share in my whole estate." The provisions indicate Samuel² Foster may have given his married daughters a part of their portions when they married and may have helped his sons (except William and Timothy) when they married or started out for themselves.

William Foster was named executor of the will and his father left to him "for the good service he hath done me all my whole Estate both real and personal that remains after my just Debts and funeral Charges & Legacies are paid." And: "I oblige my son William Foster to take care & Maintain his hon'd. Mother my wife during her Natural Life and decently to Interr after her death." To his wife Samuel left only "one-half of within door moveables." This was much less than the law would have allowed her but the probate records says: "The Deceased's widow being present (in court) and acknowledged her satisfaction and was consenting to the Probate hereof." As there was less than a month between the execution and the probate of the will, it is probable Samuel was on his death bed when the will was drawn so his wife may have been fully informed as to its terms and was entirely satisfied with the way she would be cared for by son William and the other children who were at home.

The last item in the will before it was signed and witnessed, and apparently added at the last moment, was: "Before the Sealing of these Presents I Do order my Executor to bind out my Son Timothy to a Trade; and I give him liberty to choose his Trade." And Timothy must have chosen to be a cordwainer, or shoemaker.

The witnesses to the execution of the will were Joseph Hartshorn, Jeremiah Fuller and Joseph Hartshorn, Jr.: the last probably was the man who married Walpole, Dec. 29, 1731, Hannah, youngest daughter of Samuel² Foster.

This will was recorded on pp. 391-3, vol. 26, Suffolk County Registry of Probate records and in that record the name of Samuel² Foster's wife was clearly and plainly written "Mary Foster." Below is a photostatic reproduction, three times actual size, of the name of Mr. Foster's wife as it appears in the original will:



From a comparison of the recognizable letters in the wife's name with letters in other names that appear in the will and for the good reasons that are stated later, the writer thought he knew what the wife's name was but did not care to state it as a fact as it might be claimed what he thought were "good reasons" were the result of "wishful thinking." Consequently, Miss Elizabeth McCarthy of 40 Court Street, Boston, a handwriting expert of standing and wide experience, having testified in over six hundred cases in Federal and State courts in various states and been employed in matters of disputed documents by several branches of the United States Government and many courts, etc., as a qualified handwriting and document expert, was employed to study the will and the name of Samuel² Foster's wife as it appears therein, and, based on that study alone, give

her professional opinion as what the name of Mr. Foster's wife was.

The photostat that has been reproduced was shown to Miss McCarthy in the preliminary talk, so she would know what she had to decipher, and she was told her written findings and opinion would be published as a part of this article. The employment of Miss McCarthy and her access to Samuel² Foster's original will were arranged by Miss Marion C. Reed, of 9 Ashburton Place, Boston, a well known and really good genealogist, but neither Miss Reed nor Miss McCarthy was given any information about Samuel² Foster, where he came from, or the names of his known wives; therefore, Miss McCarthy's report is entirely uninfluenced. It is reproduced below:

ELIZABETH MCCARTHY

HANDWRITING AND DOCUMENT EXPERT

40 COURT STREET
BOSTON

TELEPHONE
LAFAYETTE 2959

August sixteen
1943

To
Mr. R. I. Farrington
c/o Miss M. C. Reed
9 Ashburton Place, Boston, Massachusetts

REPORT ON QUESTIONED DOCUMENT

Nature of Document

Will of Samuel Foster, dated July 22, 1720, on file in Suffolk County, Massachusetts Probate Court, Probate No. 5650

Purposes of Examination

- (1) To determine whether or not there had been an erasure under the name of the testator's wife, which the Register of Probate decided was "Mary," and
- (2) To determine what name was under this erasure, if possible

Opinion:

A minute microscopic examination discloses no erasure under the name of the testator's wife in the bequest in the middle part of the will which reads:

"Item I give and bequeth to my beloved wife Mary Foster the on half of my indor moveables," (all of which is underlined in ink)

There is no evidence of an abrasive erasure or of a bleaching process or chemical erasure at this point. A violet ray examination shows no writing underlying this name.

Of course it is not possible for any court to allow a chemical test to be made of paper as old as this, but if it were, I believe the following facts would be established:

There are at least four fluids, possibly five, used in the writing of this will, and they are

a. The brownish black ink in which the body of the will is written;

b. The greyish ink in which the words "Samuel Foster" in the third line of the will is written, and the last lines of the will "be for the in seling of this presents I do order my executor to bind out my son timoty to a trade and i give him Liberty chus his trade" and the signature subscribed to the will by a mark. It is probable that the signatures of the witnesses to the will are in the same ink, although the grey seems of a slightly darker color, and this may be another ink.

c. The brown fluid which wrote the word in question, the name of the wife of Samuel Foster in the phrase detailed on page 1 of this report, which the Register of Probate has interpreted to be "Mary," and which also wrote the word "all" in the ninth line from the bottom of the will in the phrase "till three years after my wives descsee except they all shall mary before." This fluid I shall discuss in the paragraph *infra*.

d. The reddish brown ink which was put on at the bottom of the will by the Register of Probate at the time this will was filed.

I should like particularly to dwell on Ink c., the brown fluid which wrote the questioned name of the wife of Samuel Foster and the word "all" below. This is in all probability not ink at all, or it may be a poor home-made variety. This accounts for the fact that when put on the paper in each instance it spread into the paper's fibres, causing the feathery or blotting-paper appearance the will has in each of these places, which looks very much like writing over an erasure.

It is my opinion that a space was left at this point because the scrivener did not know the name of the testator's wife, and that at a later time with this brownish fluid (which might even be tobacco in solution conceivably) this name was inserted in the blank space and then with the same fluid the word "all" was crowded in below. At some other time, or rather with some other ink, the name of the testator was filled in in the third line, the additional sentence in regard to his son "Timoty" and the testator's name and mark were added.

There is but one other point anent the name of this wife of Samuel Foster, the testator, and that is that I believe that it is not "Mary." It is my opinion that it is either Margaret or Marjorie in an abbreviated form. There is a very plain "re" above the line at the end of the name. The possibilities are: Marg^{re}, Marj^{re}, or Murg^{re}, Murj^{re}, or Mary^{re}. The only names that tally with these abbreviations are, as I have stated *supra*, Margaret and Marjorie.

Summary:

I believe that there is no erasure in the name of the wife of the testator, Samuel Foster, on the will, but that the abbreviated name, Margaret or Marjorie, was filled in with some fluid other than that which wrote the body of the will, and that this fluid was of a spreading and penetrating nature, so that it looks upon the will like ink writing over an erased surface.

Respectfully submitted,

ELIZABETH MCCARTHY.

M/CAC

One may speculate why the scrivener left blank spaces in the will in which were inserted later Samuel² Foster's name and

that of his wife. Miss McCarthy's opinion that a space was left for the name of the wife because the scrivener did not know it, probably is correct and at the time the will was written he may not have known Samuel's name and perhaps did not meet Mr. Foster until just before the will was executed. The Foster family had not lived in Walpole long, twenty months or less, and quite likely were not known intimately by many, particularly among the Justices of the Peace and others in Walpole who drew, or attempted to draw, wills. Mr. Foster, or some member or friend of the family for him, may have prepared a brief memorandum listing the names of the heirs and the amount to be left to each and it may have stated that the wife, without naming her, was to have one-half of the within door moveables; and the will may have been drawn from this memorandum. This is suggested because the name of each child was written out in the will in full and correctly. The space left for the wife's name was not long enough to permit the name Margery to be written out in full, as was done in the case of daughter Margery, so it was necessary when writing in the name of the wife to abbreviate Margery, as suggested by Miss McCarthy. Further, had the scrivener called upon Mr. Foster to learn his wishes as to the disposal of his estate before drawing the will, the scrivener would probably have inquired and learned the given names of Mr. Foster and his wife and it would not have been necessary to leave the spaces for them.

From the time a photostatic reproduction of the will was obtained, the writer believed, from the way the requirement that son Timothy should be bound out to learn a trade was squeezed in ahead of Mr. Foster's execution, that Mr. Foster read, or had read to him, the will and had any necessary corrections or additions made so that the will carried out his wishes fully and exactly, before he executed it. Seemingly, the requirement was an after thought as it was not written in the proper place; probably it had been Mr. Foster's intention from the first but was omitted from the memorandum from which the will was drawn. As the requirement seems to be in the same handwriting as the balance of the will and as Miss McCarthy reports it was written in a different ink than the balance of the will, the same ink as was used to write in the name of Samuel Foster in the third line and in the signature (by mark) and probably was used by the witnesses in subscribing their names, it is probable the man who drew the will was present when it was executed and may have been one of the witnesses.

The following are the four reasons why the writer believed the name of Samuel² Foster's wife as written in his will was meant for Margery. They confirm Miss McCarthy's conclusion and may be of interest to some of Mr. Foster's descendants.

1. No record of a third marriage by Samuel² Foster has been found. Records of many marriages have not been found but records have been found of a majority of all the marriages made in the Colony. To find the record of Samuel's third marriage, if any, not only was examination made of all the vital records and other publications listed in Section 3 that were searched for the record of Samuel's marriage to Margery, but of the vital records of all the towns, on a wide front, between Boston and Attleborough, Mass., including the latter town, some 74 publications in all. (It is possible Samuel's two grandsons, children of his deceased daughter Sarah Freeman, may have lived in Attleborough and Samuel visited them there.) As such a wide territory was covered in this search, it seemed there was at least a 50-50 chance of finding the record of Samuel's third marriage if he made one.

2. To have been the mother of ten children by Samuel² Foster and the last child born Aug. 18, 1714, Margery probably could not have been born later than 1669, perhaps a few years earlier than that. As that birth year would have made Margery at least 57 years old, or perhaps a few years older, on Nov. 14, 1726 when she released her right of dower in Samuel's homestead in Salem, twelve years and four months after the birth of her last child, is it not reasonable to think she lived twenty and one-half months after that date, until July 22, 1728, when Samuel executed his will? Presumably Margery came of sturdy stock; note the age at death of her children as far as those ages are known to the writer: Richard, death date not known; Mary, 62; Margaret, death date not known; Jonathan and Bartholomew, died young; William, 47 yrs. 8 mos.; Margery, 80 or 81; Lydia, death date not known but living when over 81; Hannah, 81; Timothy, 80.

If born about 1669, Margery was 16 years, or somewhat less, younger than Samuel and 23 or a few years older than that when she married him; Samuel then had five living children ranging from 15 to 6 years old. The disparity in the ages of Samuel and Margery was great but marriages of that kind were made and if Margery was a widow with little or no means, as was the case with many young women whose young husbands died not very long after their marriage and before they had accumulated much, her marriage to a middle aged widower with children was not improbable.

3. The meek way in which Samuel² Foster's widow accepted and expressed herself as satisfied with the provision made for her in his will. Mr. Foster left his wife only one-half the indoor moveables (household goods that probably had had long and

hard usage) and stipulated son William should support and finally bury her. The law would have allowed her one-third of all her husband's personal estate for herself and a life interest in one-third his real estate (house and lands), but she would have either to support herself or marry again; and if she did marry, her new husband would enjoy through her during her life her "thirds" in Mr. Foster's real estate. Consequently, if she was not too old when Samuel Foster died, she probably would have good chances of again marrying.

While Samuel² Foster's homestead in Salem consisted of only about five acres of land with buildings and a lease of pasture lands in Royal Side, one of the depositions he made stated he had improved (farmed) another man's lot for years. Another deposition stated he had "turned out his horses" in another lot. So probably Mr. Foster had accumulated quite a few farming implements, still had some horses and quite likely a little live stock; and it is possible there was a little money left of the sum he had received for his homestead. It seems probable the value of one-third of all this additional personal estate would have amounted to more than the value of the one-sixth of the indoor moveables the will gave his wife in excess of the one-third of them the law would have allowed her. Then there was the one-third of the real estate for life; that would have furnished the widow a place to live in without expense—one-third of Mr. Foster's house. And while one-third of Mr. Foster's Walpole land might not have had a crop or rental value sufficient to cover all the widow's other living expenses, it had a decided nuisance value, particularly if held in hostile hands.

It is probable that if the widow had refused to accept the provision made for her in Mr. Foster's will, the Probate Court would have set aside the will and treated the estate as that of an intestate i.e. the widow being given one-third the personal estate, her "thirds" of the real estate being set off to her and the balance of the estate, both real and personal, divided equally among the twelve living children and the heirs of a deceased daughter, with possibly a double portion allowed the eldest son. Undoubtedly, the man who drew the will knew enough about the law to advise Mr. Foster on this point and as an equal division of his estate among all his children was not what Mr. Foster wanted it is unthinkable he would have executed the will as drawn unless he was sure his wife was satisfied with its terms and would not object to its allowance by the court.

As Samuel² Foster's second wife, Margery, was living Nov. 14, 1726, he could not have married a third wife before 1727 (when he was 74 years of age), probably a year or less before his death. Generally a woman who marries a man 74 years old, twice a widower, with twelve living children seven of whom were living

either with or near him, does not do so for romantic reasons but for what she will gain by the marriage even if that is but a home for the balance of her life. Would a woman who had made such a marriage and the husband had died within a year, accept and express herself as being satisfied with the provision Mr. Foster made for her in his will? Is it not more probable she would have insisted upon her legal rights, which would have taken care of her for some time, and taken the chance of making another marriage?

If Margery was Samuel² Foster's wife when he made his will, the situation was entirely different. She would have been entirely satisfied and contented with the provision made for her and continue living, except for Samuel's absence, as she had for 35 years. The one-half of the indoor moveables Samuel left her would enable her to fit up the portion of the house William assigned to her, or a separate home if William provided that, where she could live surrounded by her unmarried children, her own flesh and blood, as she had been accustomed to.

4. When Samuel² Foster died he left five unmarried children who were living in Walpole: William, aged 25; Margery, 22½; Lydia, 19; Hannah, 16 yrs. 4 mos.; Timothy, 14. Hannah married Dec. 29, 1731, and probably went to live in a home her husband provided for her or with his parents. William married Nov. 30, 1732, and quite likely brought his wife to the Foster home. As he had seven children, it is probable he later established a separate home for his family or for his mother, if she were living. Lydia married Jan. 10, 1733, and probably her husband provided a home for her. Timothy probably was bound out to learn a trade as his father directed; when he became of age, in 1735, he may have lived in the Foster home but he married Aug. 18, 1739, and may then have established his own home. That left only daughter Margery who did not marry until Feb. 2, 1749/50. Why? It could not have been that she objected to marriage for she finally married. Nor does it seem probable she was unattractive and had no offers of marriage before David⁴ Boyden's. Rather it would seem that she was one of hundreds of New England young women who gave up the idea of an early marriage to care for an aging parent or parents. But would Margery have given up twenty-one and a half years of the best part of her life to care for a woman who had married her father a year or less before his death and whose marriage she and the other children must have resented, if such marriage was made? That would be expecting too much of any young woman even with a New England conscience. On the other hand, if Samuel² Foster's wife when he made his will was his second wife, Margery, one can understand her daughter bearing her

mother's given name devoting twenty years of her life to care for her widowed and aging mother.

There is no record in Walpole of the death of Margery Foster, widow of Samuel² Foster, but the Vital Records of that town were miserably kept for some years after its organization in 1724. Possibly much regarding this family might be learned from the records of the Church in Walpole if they were available but they have been missing for many years.

Perhaps the widow Margery died about 1747; she then would have been 78 years old, perhaps a few years older, about the age of some of her children when they died. The year 1747 is suggested on the theory daughter Margery would require some time after her mother's death to readjust herself and before she would consider the subject of marriage, and still longer before she married. Timothy Foster is said to have removed with his family to Oxford, Mass., in 1748; perhaps he was unwilling to leave Walpole while his mother was living even though his brother William, to whose care Samuel² Foster had entrusted his wife, was living in 1748. However, it should be understood that all of this paragraph is surmise, not fact.

Sources of information and explanatory notes referred to in Section 2.

15. Hist'y. of Salem, Mass., vol. 2, p. 324.
16. As this deed will later on be referred to at length, details now are omitted.
17. See in Essex County Deeds, Book 20, p. 186, a partition of lands in Royall (sometimes called Rial) Side, Salem, leased from that town; the third division was to belong to Samuel Foster, John and Richard Waters, Nathaniel Tompkins and Joseph Jacobs, on behalf of his father George Jacobs. See also "Rial Side: Part of Salem in 1700," by Sidney Perley, "Pasture of Northfield Men," (Essex Inst. Hist. Collns., vol. 55, pp. 61, 62).
18. Hist. of Salem, vol. 2, p. 324, says John² Foster's dau. Anne, b. last of April 1677, lived in Boston, unmarried, in 1743, spinster; his dau. Sarah, b. Nov. 27, 1678, m. John Simonds. Salem printed Vital Records list the marriage March 15, 1710/11, of John Simonds and Sarah Foster.
19. Suffolk County Deeds, lib. 38, fol. 200.
20. Ibid., lib. 111, fol. 197.
21. Suffolk County Probate Case No. 5650; vol. 26, pp. 391-393.
22. Samuel² Foster signed this will by his mark, probably because he was at the time so sick and weak that he could not sign his name. For the records in Essex Deeds of the four depositions he made and the one deed of which he was the grantor indicate that each was signed autographically.

SECTION 3

Samuel² Foster married, first, in Salem, May 14, 1676, Sarah Steward. There is no record of her death but it probably was on or shortly after May 24, 1689, when her son Benjamin was

born and he probably died young for, as previously stated, he was one of the three children not mentioned in Mr. Foster's will. Nor is there any record of Samuel² Foster's second marriage, perhaps sometime in 1691 or very early in 1692. This statement is based not only on the examination of Salem records but of the Vital Records of all the other Towns in Essex County; Chelsea, Boston, Roxbury and Dorchester in Suffolk County; Bond's Watertown, Wyman's Charlestown Genealogies and Estates and the Vital Records of several towns in Middlesex County that were not far distant from Salem. The History of Salem gives the name of the second wife as Margaret, the records of the Essex County Quarterly Court as Margery and the Salem Town Records as Mary.

The History of Salem does not cite any authority for the name Margaret; but knowing Mr. Perley secured a great amount of his genealogical data from the records of Essex County Deeds, it was hoped he had found the record of a deed of which Samuel² Foster was the grantor and his wife Margaret either a co-grantor or mentioned in the deed as releasing her dower right in the property. But the record of such a deed has not been found in Essex County Deeds; on the contrary, the only recorded deed of which Samuel² Foster was the grantor named his wife Margery as releasing her right of dower in the property conveyed by the deed. As Mr. Perley accepted as children of Samuel and Margaret Foster those the Court Records name as children of Samuel and Margery Foster, the only conclusion that can be drawn is that Mr. Perley considered the name Margery was a derivative of Margaret, a pet name, and while she was generally known and called Margery, her true name was Margaret. Samuel² Foster may have thought differently as it will have been noted that he mentioned in his will daughters Margaret and Margery.

Other writers mention Samuel² Foster's second wife as Margaret; for example, *The Ancestry of Lydia Foster wife of Stephen Lincoln of Oakham, Mass.*, by John E. Morris, 1898. Mr. Morris' list of the children of John¹ Foster bears a strong resemblance to Mr. Perley's notes in the History of Salem; and if Mr. Pierce's Salem correspondent could obtain in 1899, or earlier, information from "the Perley records" for Mr. Pierce, it is quite likely Mr. Morris obtained his data about John¹ Foster and his children from the same source, which was quite proper. The only point the present writer desires to make is that no article he has read that says the name of Samuel² Foster's second wife was Margaret cites any authority for that name.

Vol. 2 (1860) of Essex Institute Historical Collections prints on pp. 93-97, the first of a series of "Extracts from First Book of Births, Marriages and Deaths of the City of Salem." Any one would naturally think, from this heading, the "Extracts"

were from the first volume of Salem's Vital Records; and they may have been taken from a copy of a record kept by the Town Clerk of Salem. But Town Clerks sent contemporary returns to the County Clerk or the Clerk of the Essex County Quarterly Court who usually copied the returns into his own record books. From the heading of the copy of Book 1 (so called in Salem and consequently hereinafter) now at the City Hall, Salem, viz.: "Copy of Book of records of marriages, births and deaths for the County of Essex beginning with the year 1658. Divided into 4 books. The first for Salem, the second for Lynn, the third for Gloucester, and the fourth for Wenham" (the last is marked "Lost"); it would seem probable Book 1 was the record made by the Clerk of the Essex County Quarterly Court. Regardless of the origin of Book 1, the printed Vital Records of Salem list the marriage of Samuel Foster and Sarah Steward, the death of their first child, Samuel, and the birth records of the several persons who are named in the "Extracts" (or Book 1) as children of Samuel Foster, each with the letters "Ct.R." after the date, said letters being stated in each volume of the Vital Records as meaning "court record, Essex Co. Quarterly Court."

The "Extracts" are printed two columns to a page. In the right-hand column on p. 94 will be found: the marriage of Samuel Foster and Sarah Steward, the birth and death of their first child, Samuel; and the births of their sons John and the second Samuel. In the right-hand column of p. 95 are the births of "Sam'l Foster's" daughters Anna and Sara and son Joseph. In the left-hand column on the same page is "Benj. son of Sam'l and Sarah Foster, b. May 24, 1689." In the same column will be found this record:

Richard Foster, son of Sam'l Foster and Margery his wife b. Dec. 19, 1693.
 Daughter Mary b. Nov. 8, 1695
 Daughter Margaret b. Feb. 3, 1697
 Son Jona, b. 1699
 Son Bartholomew b. Feb. 23, 1701/2

(This record is copied because the birth dates given in it differ from those printed in the List of Samuel² Foster's Family, preceding Section 2 of this article. The difference in the birth dates will be referred to later on in this Section.) In the right-hand column on the same page, immediately under the record of Anna, Sara and Joseph, but as a separate paragraph, is "Margery Foster, b. Feb. 4, 1705/6"; no parents named. Why this item was recorded in Book 1, is a mystery.

Probably the actual vital records of Salem begin with what there is called "Book 2." The first entry in the book states the year as 1695. The copy of Book 2 that is handed one at the City Hall, Salem, is said to be the original book and is so marked;

however, it is a copy most of which was made by John Punchard (as is noted in pencil on the first page of the book) who was Town Clerk of Salem, 1804-1810. (See "A Tribute to the Memory of John Punchard" (funeral sermon) by Samuel M. Worcester; published at Boston, 1857.) The handwriting on the earlier pages of the book has been proved to be his by comparison with signed papers in the Essex Institute, Salem, and with that in two volumes of town proceedings, 1743-1779, in the City Hall, Salem, known to have been copied by Mr. Punchard. Presumably Mr. Punchard copied Book 2 while he was Town Clerk but there is a possibility that he was employed by a town clerk who preceded or followed him in office, to do the copying; however, that is unimportant.

On one side of the first leaf in Book 2 has been pasted a small column of marriage records, perhaps from some other book. Following the first leaf, is a modern index inserted when the book was rebound. The greater number, but not all, of the pages in Book 2 have a perpendicular line drawn down the center of each page and one or two horizontal lines drawn across the page so as to divide it into four or six panels each of which was intended to contain the record of a family. This style of vital record was adopted by some towns. The entries in some panels start with the record of the marriage of a man and woman followed by a list of their children with their respective birth dates. Other panels list the names and birth dates of the children of a certain couple; the record of Samuel² Foster's children is one of this kind. And some panels contain two or more entirely unrelated entries, to economize space. If the Town Clerk knew there would be no more records of a family to be entered in the panel assigned to it, the vacant space was used for other records.

As the portion of Book 2 that includes the record of some of Samuel² Foster's children was copied by Mr. Punchard, there is no way of telling how the records were entered in the original book; whether, first, the marriage of a couple and then as reported, one by one, the births of their children, or whether an entire family was recorded at one time; and, in the latter case, it cannot be said positively in what year any record was entered. It must be assumed, as there is no actual evidence to the contrary, that Mr. Punchard copied the original records verbatim et literatim; that he did not shift families around so that those in one neighborhood or section of the town would be together, or shift the entry of records so they would be in better chronological order.

Vital Records of other towns that were recorded in a different manner, indicate that occasionally a Town Clerk made a drive for the recording of children whose births had not been reported to him as required, shortly after each had occurred. The records

on the same leaf as the Foster children and others nearby, indicate they had been obtained as the result of such a drive, and it is believed Samuel² Foster turned the recorded list over to the Town Clerk some time in 1715 or later.

This Foster record is in the right-hand bottom panel on leaf 30 and reads as follows:

Samuel & Mary Foster their children
 Their son Richard born Dec. 8th 1692.
 Their Daug^r Mary born Nov. 8th 1694
 Their Daug^r Margaret born feb 4, 1697
 Their Son Jonathan born April 2 1699
 Their son William born Augt 18 1703
 Their Daug^r Margery born feb 4 1705/6
 Their Daug^r Lidia born Augt 24 1709
 Their Daug^r Hannah born Ap 7, 1712
 Their Son Timothy born Augt 18 1714

No weight should be given to the fact that the words "Their S^{on}" or "Their Daug^r" appear before the name of each child. This was the form adopted by (presumably) the recorder or person who recorded the records in the original book from which the present Book 2 was copied. Nearly all the children listed in the earlier part of Book 2 have such words before their names; of course, there are a few exceptions and there is one on the same leaf as the Foster records.

It will be noted that the names of the first four of the children above listed are the names of four of the five children listed in Book 1 as born to "Sam^l Foster and Margery his wife," but their birth dates are different. The child so named in Book 1 who is not listed above is Bartholomew, b. Feb. 23, 1701/2; perhaps he lived such a short time after birth that he was overlooked when Mr. Foster prepared the return for the Town Clerk.

All nine persons listed in this record unquestionably were children of Samuel² Foster and his second wife Margery; this is proved not only by Mr. Foster's will, but by the record of the first four given in the preceding paragraph; the last child, Timothy, being bapt. Middle Precinct Church, Salem, May 15, 1715, as "son to Sam^l & Margery Foster" and, it is believed, the remaining four (William, Margery, Lydia and Hannah) were bapt. that church March 28, 1714. Besides, Samuel² Foster's deed dated Nov. 14, 1726, that has before been referred to and is abstracted in Section 4 of this article, shows his wife Margery was living on that date as she released her dower right in the property the deed conveyed. How then could these nine persons have been recorded in the present Book 2 as "Samuel & Mary Foster their children"?

Mr. Donald Lines Jacobus has supplied a solution of this problem that undoubtedly is correct because it is so simple.

It is, that in the *original* Book 2, the record must have read "Samuel & Margery ffoster," etc., only the name Margery was not written out in full but abbreviated as "Marg:", "Marg':", or, if the old style "g" was used, "Marȳ:" (It was quite common for Town Clerks to abbreviate given names; note that in the record in Book 1 the names Samuel and Jonathan are abbreviated as Sam'l and Jona.) Mr. Punchard probably made his copy from the original Book 2 which at the date he copied it must have been 125 years old or older and in bad condition if copying it was necessary. If the colon after the abbreviated name, to indicate it was an abbreviation, and the raised "y," if any, or the line over the "y" to make it a "g," if the name was abbreviated that way, were worn, faded, or from any cause indistinct, Mr. Punchard might easily have overlooked them and in perfect good faith copied the name as Mary.

It is strange that Mr. Perley with his many years' experience in studying old records, did not think of this solution. Instead, he followed the extraordinary plan of dividing the nine children listed in the record between two families. The first four children, Richard, Mary, Margaret and Jonathan, he decided were those of Samuel² and Margaret (Margery) Foster, only he gives as their respective birth dates those recorded in Book 2, probably thinking they came from a family record and so were more correct than the birth dates recorded in Book 1 (which were given a few pages back). The remaining five children, William, Margery, Lydia, Hannah and Timothy, he states were those of Samuel³ Foster, son of Samuel², and that son's wife Mary ———. Possibly Mr. Perley was influenced in doing this by his land records; but as this is pure conjecture there is no reason to dwell on it. It is only fair to Mr. Perley to point out that he did not have the benefit of Samuel² Foster's will; that was properly probated in Suffolk County while Mr. Perley limited his researches to Essex County. He says in the preface to the first volume of his *History of Salem*, that the genealogy of the descendants of a first settler in Salem is given as "*far as Salem is concerned.*"

The compilers of the printed Vital Records of Salem had among their source material Books 1 and 2 and as the records in those books of four of Samuel² Foster's children conflicted, the Vital Records as printed have listed in vol. 1 among the Foster births, Richard, Mary, Margaret and Jonathan with two mothers (Mary and Margery) and Richard and Margaret are each given two birth dates. Both the copy of Book 1 now at the City Hall, Salem, and the "Extracts" in Essex Inst. Hist. Collns. give (daughter) Mary's birth date as Nov. 8, 1695; the printed Vital Records do not mention that date but only the date given in Book 2, Nov. 8, 1694; probably it was thought the latter date

spaced the children better. For Jonathan, the Vital Records very properly give the date from Book 2, April 2, 1699, as Book 1 and the "Extracts" list only the year, 1699. William, Margery, Lydia, Hannah and Timothy Foster were listed as sons and daughters of Samuel and Mary Foster with the birth dates recorded in Book 2.

This Section was not necessary to prove the correct ancestry of Timothy Foster; that was proved conclusively in Section 2. But it was desirable to explain why the record in Book 2 named Timothy's mother "Mary"; that could have been done in comparatively few lines. The full description of Books 1 and 2 that has been given is to aid anyone interested in Samuel² Foster or his descendants by clearing up the confusion that has resulted from the conflicting records; confusion that was made worse by the treatment in the History of Salem of the five youngest children of Samuel² Foster.

SECTION 4

This Section has no bearing on Timothy Foster's ancestry. As the data were available, it was thought persons interested in Samuel² Foster and his descendants and other descendants of John¹ Foster, might like to learn in what section of the original town of Salem these Fosters lived and of what present town or towns that section now forms a part. It also proves, incidentally, that Samuel² Foster's younger children would naturally have been baptized at the Middle Precinct church, Salem, now the South Church, Peabody, Mass.

John¹ Foster acquired several tracts of land in the North Fields section of Salem, that is, across the North River from the main settlement of Salem; in one of Mr. Perley's articles to be referred to later, he mentions the North Fields as "This part of North Salem." Why the early settlers of Salem acquired land in the North Fields, is explained in William Woods' volume, written in 1663, entitled "New England Prospect:" "Although their land" (centre of Salem) "be none of the best, yet beyond those rivers" (North and South rivers) "is a very good soyle where they have taken farmes, and get their Hay, and plant their corne; there they crosse these rivers with small Cannowes, which are made of whole pine trees, being about two foot & a half over, and 20 foote long."²³

John¹ Foster's sons who lived to manhood were: Samuel, John, Joseph, David, Jonathan and Ebenezer and all but Joseph and Jonathan spent all or most of their lives in the North Fields. During his life-time, Mr. Foster deeded land to his sons Samuel and John. By his will, executed Nov. 16, 1687, proved at Ipswich, March 14, 1687/8, Mr. Foster left to his son Samuel:

"The peice of Land w^{ch} Lyes before his Doore Containing about an Acre and one halfe bounded with a Path on one side Swamp on the other and Waters and Said Sam^{ls} Land on the other Two sides"; confirmed to his son John: "the land where hee now Dweleth w^{ch} formerly I gave him" and "the Third of the two pieces of Marsh at the Great Cove given my Sonn John by his Grandfather"; left to his son David "All that my homestead (Vigt.) my Dwelling house and about five acres of Land more or Less," and provided that "all the rest of my Lands in the North ffeild and Marshes and Meadows in the same with the Marsh att Royal Side after my wifes Decease or after her Marriage" shall be divided equally as to quantity and quality among his sons Joseph, Jonathan and Ebenezer they making certain payments to his daughters Mary, Elizabeth and Martha.²⁴ By a deed dated 25 Jany. 1691/2, Jonathan Foster of Salem, Husbandman, conveyed to his brother, David Foster of Salem, "all my right in ye homestead, my right in Seudder's lot and my right at Ryall side and my right in two pieces of saltmarsh down at ye Great Cove, all in Salem, all that land and marsh that fell to me as my part out of y^e estate of my father John Foster late of Salem, dec.²⁵ Undoubtedly it was Jonathan Foster's intention to convey to his brother David, his share of the lands that were to be divided among his brothers Joseph and Ebenezer and himself. Apparently Jonathan Foster divested himself of all interest in lands in the North Fields for the articles mentioned in the paragraph that follows, do not list him as owning any land there in 1700. The land Joseph Foster probably received in the division of his father's estate also is mentioned in those articles.

Mr. Sidney Perley wrote five articles under the general title "Northfields in 1700," that were printed in vols. 48, 49 and 50 (1912-14), Essex Institute Historical Collections; each article was accompanied by a small map or plat of the lots in the section of the North Fields described in the article and the letter press named the person who owned each lot in 1700 and stated how he became its owner. Seemingly, these articles were prepared for local readers, for the territory covered by each map was described by naming old and new streets, etc., and for a non-resident of Salem or one not intimately acquainted with it, it is in most cases very difficult to accurately locate on a large map of the city the land included in a particular small map. It would have been a great help if the first article had included in addition to Map 1, an outline map of the entire territory of the North Fields on which was indicated the sections shown in detail by each of the five small maps or plats. However, the five small maps may readily be combined to make one large map if it is desired to do so. But it should be noted that Map 2, facing p.

261, vol. 48, was drawn to the scale of 1 in. = 600 ft., while the four other maps were drawn to the scale of 1 in. = 1,200 ft. Consequently, Map 2 must be reduced to half its size or each of the four other maps doubled in size or Map 2 will not fit in between the top of Map 4 and the highway bordering the lowest lot on Map 1. The river at the top of Map 2, is a continuation of the river shown at the middle right of Map 4 and is continued at the bottom and right side of Map 1. "The River" shown on Map 5, was the Waters river (at one time called the Cow-house river) and is the same as the Williston river shown on Maps 3 and 1; for Mr. Perley says (p. 186, vol. 49): "The river was known as Williston river very early and was so called as late as 1688. It was called North river in 1694. It is now generally known as Danvers river, or on the southwesterly side at this place, being the mouth of Waters river, as Waters river."

The five small maps when combined as above described, show the North Fields was quite a large settlement in 1700; it included a long frontage on the Cow-house, or Waters, river and a much longer frontage on the Williston and North rivers up to Gardner's bridge, shown on Map 4, that bridge carrying what now probably is Central street, Peabody, over the river, a mile and one-half or more west of the center of the present City of Salem. The maps show the lines of one hundred forty five tracts of land, from very large to very small ones, quite a number of houses and many sites of former houses; but there must have been many more houses in 1700 the sites of which Mr. Perley was not able to indicate for lack of the necessary data. For instance, John¹ Foster's will left his house to his son David², as has been stated, and study of that will shows his sons Samuel² and John² then had houses; yet none of the Foster lots on Maps 3, 4 and 5 show the sites of former houses. And undoubtedly the same applies to many other families who lived in the North Fields.

Particular attention is called to the lines on Map 3 dividing Salem, on the right, from Danvers and Peabody, on the left and Danvers, on the north, from Salem and Peabody, on the south. Map 3 shows the line dividing Danvers on the north from Peabody on the south. These boundary lines will be referred to later.

Our special interest is Map 5; it shows Samuel², John² and Ebenezer² Foster as each owning two lots and David² Foster as owning one lot. The lot of John Waters, to the right of Samuel² Foster's southern lot and west of Ebenezer² Foster's lot, is also shown. In the letter press, describing the lots shown on Map 5, Mr. Perley says (pp. 61-2, vol. 50):

"*Samuel Foster Lot.* That part of this lot lying easterly of the dashes was a part of the lot of Thomas Scudder, Sr., very

early; and he conveyed it to John Foster, Sr., of Salem, husbandman, before 1664. Mr. Foster conveyed this part of the lot to his son Samuel Foster, March 25, 1678. (Essex Deeds, 4:183.)

"That part of this lot lying westerly of the dashes early belonged to Thomas Scudder, Sr., who conveyed it to John Foster before 1664. Mr. Foster conveyed it to his son Samuel Foster.

"Samuel Foster owned both parts of the lot in 1700."

Probably there really was but one lot, for the description in John¹ Foster's will of the one and one-half acres devised to Samuel stated it was bounded by Samuel's land on two sides, and Mr. Perley's plat shows it in two parts. The record of but one deed in which Samuel² Foster was named the grantee, has been found in Essex County Deeds and that is the one cited by Mr. Perley, above, i.e. "Essex Deeds 4:183." That record states the lot contained three acres lying in the North Fields or North Neck, that it was part of land bought of Thomas Scudder and that it was bounded on the eastern and northern sides by land of John² Foster, on the western side on land of Thomas Robbins and on the southern side by the grantor's own land. The ownership of the bounding lands as shown by Map 5 differs somewhat from this; land of Ebenezer Foster is shown as bounding on the south and east, John Waters on the south and Joseph Bubier on the west. These differences are easily explained. In the division of the lands of John¹ Foster that were not specifically devised or confirmed by his will, his son Ebenezer evidently received the lot that bounded Samuel's on the south and east and son Joseph²⁶ the John Waters' lot; note what Mr. Perley says (p. 61, vol. 50) about the Ebenezer Foster lot; (p. 62, vol. 50) about the John Waters, Jr., lot, and (same page) about the Joseph Boobier (or Bubier) lot.

From the evidence found, it probably is correct to say Samuel² Foster lived on the lot or lots shown on Map 5 until he removed to Walpole, Mass. A part of this evidence is four depositions, all relating to land in the North Fields; these are abstracted here because being recorded in Essex County Deeds they are not generally available although Mr. Perley may have mentioned some or all of them in his remarks about the several properties referred to in the depositions. (The Book and page numbers are of Essex County Deeds.)

Feb. 27, 1705, John and Samuel Foster, of full age, say—"that having lived in Salem this 50 odd years, in a place known as North Field or North Neck" they know John Tompkins late of Salem, possessed a dwelling house and land bounded N. by Cow-house river, E. by George Jacobs and partly by land of John Small, S. by land of David Foster, W. and S.W. upon lands of John Hathorne, Esq. and John Waters, from 1st day of October, 1692 until 1st of October, 1704 (Book 18, p. 161).

Aug. 10, 1707. Re: bounds of Henry West, Samuel Foster, of full age, is a nigh neighbor and once hired ye broken up lot of the widow Jones. (Book 20, p. 45.)

Jan. 28, 1719/20. Samuel Foster, aged 68 years, Samuel Small, age 63 years and David Foster, aged 54 years, made oath regarding Henry West and his property. Samuel Foster and Stephen Sewall "had out in their horses on West's land for 40 years." (Book 37, p. 58.)

Nov. 17, 1726 Samuel Foster, "aged about 75 years," that he improved the lot of Job Swinerton in the North Fields for more than 30 years and that the heap of stones at the S. W. corner of lot now of John Jacobs where was formerly a stump, was reputed to be the corner of Job Swinerton's lot. (Book 47, p. 181.) (The lot of Job Swinerton is shown on Map 4.)²⁷

The section of Salem known as "The Farms" was set off from that town March 22, 1671/2, and established as Salem Village Parish.

Perley's History of Salem (pp. 388-9, vol. 3) contains an account of the petitions filed, meetings held and other activities that resulted in the passage by the General Court of Massachusetts Bay Colony on Nov. 10, 1710, of an Act establishing the Middle Precinct of Salem. The first petition mentioned in that account is now on file in Mass. State Archives (vol. 11, p. 337). As a part of or supplement to that petition, is a list of persons who would be residents of the proposed new parish and the amount each had agreed to contribute towards the cost of building the proposed meeting house and a house for its minister to live in; among those subscribers were David² and Ebenezer² Foster.

Facing p. 389, is a reproduction of a map of the Middle Precinct now filed in Mass. Archives (vol. 11, p. 365). The original map is more than 16 x 19 inches in size while the reproduction is but 3 15/16 x 4 3/4 inches; consequently, it is almost impossible to read the lettering on the reproduction. A statement of acreage, possibly that included in the Middle Precinct, seems to have been attached to the map at its (as reproduced) lower left-hand corner, probably because that was the largest available space outside the Precinct lines. The number of the map in the Archives file and a title much more modern than the map, were entered in the opposite corner. Because of these and so they could be read, the map was filed and has been reproduced upside down. This is shown by the scale to which the map was drawn being inverted and at the top. And the top of the map (as printed) instead of being towards the north or northerly shows the Southeast line of the Precinct.

Turned around, the map looks like a drawing of a small tree that had just come through a long, hard winter the rains, snows, ice and winds of which had stripped the tree of all its leaves, twigs and smaller branches leaving only its trunk and main branches and among the latter an end of yarn, blown by the winds, had become entangled; the trunk, branches and yarn were roads. This map is an antique curiosity—but is of no practical value.

The petitions for the creation of the new parish or Precinct requested it should include "all on the North side of the North river up to the town bridge" but the committee of the General Court recommended the southeasterly line of Precinct should run directly from the Great Cove to "the milestone on the road to Salem meeting house," and so along the road to the Lynn line; and the Act so provided. This change in the requested line left in Salem town the greater part of the North Fields, all shown on Mr. Perley's small maps Nos. 1 and 2, about one-half the area shown on Map 3 and probably two-thirds of the area shown on Map 4. All the lots shown on Map 5, except the small hump shown as being in Danvers, were included in the Middle Precinct. The families who were excluded from the Middle Precinct must have been greatly disappointed; they had to continue paying taxes to support the First Church in Salem while they could attend there only under the difficulties enumerated in the petitions for the formation of the new parish or Precinct.

The "District of Danvers" (new towns were not then being incorporated) was established Jan. 28, 1752 and comprised Salem Village and the Middle Precinct of Salem; it was not until June 16, 1757, that the District of Danvers was incorporated as the Town of Danvers. Danvers was divided May 18, 1855, the town of South Danvers being set off, and in 1868, South Danvers changed its name to Peabody.

The boundaries of Peabody were nearly, but not exactly, the same as those of the old Middle Precinct of Salem, for Peabody included a small territory that at one time was a part of Salem Village. A part of the original line dividing Salem Village and the Middle Precinct was a line running almost due west from the Endicott or Cow-house river to the Lynn line; but when the division between North and South Danvers was made in 1856, the line was carried from the Endicott river northwesterly to the sharp bend of the Ipswich river, a mile or more north of the old boundary at that point.²⁸ Consequently, a wedge of what had been Salem Village, a mile or more wide at its west or northwest end and tapering to a point where the old and new lines left the Cow-house river, was included in Peabody. But, presumably, there was no change in the boundary along the Cow-house river, as shown in Mr. Perley's Map 5 of the North Fields, though

possibly there may have later been minor changes of the starting point of the line in the Great Cove.

It will be remembered that particular attention was called to the fact that Mr. Perley's maps 3 and 5 of the North Fields showed portions of the lines dividing Salem, Danvers and Peabody. The territory shown by these maps as in Salem was the portion of the North Fields that was not included in the Middle Precinct of Salem by the Act of Nov. 10, 1710; that shown as in Danvers, was before Jan. 28, 1752, a part of Salem Village, and that shown as in Peabody was before the same date a part of the Middle Precinct of Salem. In describing the territory included in his map 4, Mr. Perley said that a portion of it was in Peabody but he did not show the boundary or dividing line on the map. If the line between Salem and Peabody shown on map 3 is extended on to map 4, it will be seen that the larger portion of the land included in that map became a part of Peabody.

Map 5 shows one of John² Foster's lots and a small portion of Samuel² Foster's just South of it and a half of John² Foster's second lot were in Danvers. That may be correct; but as the four Foster brothers, Samuel, John, David and Ebenezer, were residents of the Middle Precinct it follows Samuel's and John's houses must have been on the portions of their lots the map shows were in Peabody. In Mr. Perley's genealogical notes on this Foster family,²⁹ he says David² Foster lived in the Danvers part of Salem and Ebenezer² Foster lived in its Peabody part, but does not state in what part of Salem Samuel and John Foster lived. The statement as to Dea. David² Foster is wrong and probably was based on Mr. Perley's finding records of deeds that were dated after Jan. 28, 1752, when the District of Danvers was established, and that stated the land conveyed by such deed was situated in Danvers.³⁰ Any land that was in the Middle Precinct before Jan. 28, 1752, was in (the District of) Danvers after that date.

The Essex Institute of Salem began in vol. 36 (1900) of its Historical Collections, the serial printing of "Salem Commoners Records, 1713-1739," and p. 161 lists—Samuel and David Foster as two of the proprietors who attended the first meeting, June 29, 1713, at the house of Samuel Golthites, Jun^r. In the second installment (same vol.), among the "Claims Receiued & Entred to Common Lands 2 feb. 1713/4" are: (p. 222) one claim of Ebenezer Foster and two claims of David Foster; (p. 223) a third claim of David Foster, two claims of John² Foster and "Samuell foster for his house 0 1"

(Refer to the pages cited for details of the claims of Ebenezer, David and John Foster.)

In the sixth installment (vol. 39-1903), after completing on

p. 64 the list of Proprietors of the Common Lands living in the Towne or Two Lower Parishes and their number of Rights, the following caption heads p. 65 (p. 59, of the original record):

"A List of the names of the Proprietors of the Common Lands In Salem Liuing in Salem Liuing In the Midle Precinet and there Number of Rights

"Middle Precinet

	(right)
Samuel Foster (the sixth name in the right hand column)	1
p. 66 Ebenezer Foster	2
David Foster	4
John Foster	3"

Considering all the evidence presented in this section, it seems entirely correct to say that until he removed to Walpole, Mass., Samuel² Foster lived in the North Fields section of the Middle Precinct of Salem, now a part of the City of Peabody, Mass.

The only deed recorded in Essex County Deeds whereof Samuel² Foster was the grantor, was dated Nov. 14, 1726, and for a consideration of £120 conveyed to Daniel Shaw of Salem, Yeoman, a tract of land with buildings in the Northfields, Salem, containing by estimation five acres more or less, bounded Southerly on land of John Waters and David Foster, Easterly on s^d Waters land, Northerly on land of John Foster, deceased, and Westerly on land of Benj^a Lyndes, Jun^r. This almost certainly was the Samuel Foster lot or lots shown on Mr. Perley's small map No. 5 of the Northfields and was the land that had been conveyed and devised to Samuel by his father. Some change had been made in the ownerships of the bounding lands since 1700, as was to be expected in twenty-six years; David Foster was named in place of Ebenezer Foster and Benj^a Lyndes, Jun^r., in place of Joseph Bubier, but it was not thought necessary to trace the transfers of title as there may have been several. The deed conveyed in addition to the land and buildings thereon: "one Common Right which came by virtue of the above written Houses." The deed contains a full warranty clause which is followed by: "and I Margery Foster the Wife of the aboves^d Samuel Foster Do by these presents freely Willingly give yield up & Surrender all my Right of Dowry & power of thirds of in and unto the above written Demised premises unto him y^e said Daniel Shaw his Heirs and Assigns."³¹ Only one thing is missing; according to the record copy, Margery Foster did not sign the deed or join Samuel in the acknowledgment of its execu-

tion. Samuel Foster acknowledged it on the day the deed was dated before Daniel Epes, Justice of the Peace, who with Daniel Epes, Jun^r. were the witnesses. However, the grantee seems to have been satisfied without Margery Foster's signature as there is no record of his having obtained a separate release of her rights. The deed was not recorded until June 13, 1728 (about two and one-half months before Samuel² Foster's will was probated).

In all probability, Daniel Epes, Sr.,³² prepared the deed and had personal knowledge of the name of Samuel² Foster's wife and that she then was living.

As the deed of Nov. 14, 1726 calls Samuel Foster "of Salem," it is probable he did not move to Walpole permanently until shortly after that date although it is likely he made several trips there, and perhaps of considerable duration, to see how his son William was progressing with the development of Samuel's share of the land he had purchased, jointly with Joseph Carrell, on May 12, 1725, and to assist in that work. In November 1726, Samuel seems to have been busy closing up his affairs in Salem. His daughter Margaret married Benjamin Carrill there Nov. 11th, he sold his homestead Nov. 14th and made a deposition Nov. 17th regarding the bounds of Job Swinnerton's lot.

Sources of information and explanatory notes referred to in Section 4

23. Essex Inst. Hist. Collns., vol. 48, p. 261.
24. Suffolk County Probate Case No. 1625, vol. 10, pp. 266-7.
25. Essex County Deeds, Book 9, page 35.
26. It is said Joseph² Foster removed to Dorchester about 1697. (Hist. of Salem, vol. 2, p. 324.)
27. Samuel¹ Foster, bapt. First Church, Salem, March 7, 1652; his brother John² bapt. same church June 3, 1655; his brother, David, b. Salem Oct. 16, 1665. As Samuel² Foster was nearly 52 on Feb. 27, 1705, and his brother John nearly 50 on that date, their ages identify them as the men who made the first deposition and show they must have been living in the North Fields when they made it. The ages of Samuel² and David² on Jan. 26, 1719/20, identify them as the Fosters who made the third deposition. And Samuel² Foster's age Nov. 17, 1726, shows he made the fourth deposition. The adjoining lots of Mary Jones and Henry West are shown on Map 3 and the two lots of Samuel² on Map 5. Joining these two maps, as has been explained, shows Samuel² Foster was "a nigh neighbor" to both the widow Jones and Henry West and proves he must have made the second deposition.
28. "The Setting off of the town of Peabody," by Theodore Moody Osborne p. 989, vol. 2, Hurd's History of Essex County, Mass.
29. History of Salem, vol. 2, pp. 324-5.
30. Two deeds of this kind, dated in 1753 and 1756, are mentioned in Note C, to "Samuel³ Foster's Family."
31. Essex County Deeds, Book 51, p. 83.
32. Daniel Epes probably was the second of that name or Col. Daniel Epes, as Mr. Perley calls him (Hist. of Salem, vol. 2, p. 92), b. Oct. 28, 1679, d. March 10, 1764, son of Daniel Epes, jr. of Ipswich, the "grammar schoolmaster." Col. Epes had a son Daniel, b. Boston,

Nov. 8, 1710, d. Danvers, April 28, 1773, m. Dec. 29, 1737, Hannah b. Dec. 6, 1719, dau. of Rev. Benjamin and Elizabeth (Higginson) Prescott, and this son may have been the Daniel Epes, Junr., who was a witness to the signing of the deed.

SECTION 5

The History of Salem states³³ Rev. Benjamin Prescott was the first minister of the Middle Precinct church, Salem, ordained and settled Sept. 23, 1713, and that forty members of the First church, Salem, were dismissed July 25, 1713, to join this new church.³⁴ Vol. 6 (1864), Essex Institute Historical Collections, contains (pp. 258-268) the first installment of a list of "Baptisms by Rev. Benjamin Prescott of Salem Middle Precinct, now South Danvers." The first children were baptized Feb. 7, 1714. The second record of baptisms (on p. 258) reads:

William Foster, Margery Foster, Lydia Foster, Hannah Foster, ch. of Eben & Margery Foster, bapt. March 28, 1714.

These children had the same given names as four of the children of Samuel and Margery Foster. This seemed more than a coincidence for it really is fantastic that there should have been in Salem early in 1714 a Samuel Foster and an Ebenezer Foster each having a wife named Margery and four children named William, Margery, Lydia and Hannah and each family of children born so recently that they could be baptized as children on March 28, 1714. It seemed to require investigation as, apparently, Mr. Perley had made none for he states on p. 398, vol. 3, of his History of Salem, when writing about the Middle Precinct church but without any explanatory remarks, entirely apart from any other Foster records and the only time he mentioned them in his History: "Ebenezer and Margery Foster had the following named children baptized March 28, 1714: Hannah, Lydia, Margery and William."

It was unfortunate the Vital Records printed these baptisms as they may throw, or may have already thrown, searchers for Foster records off the proper line. But the compilers of the Vital Records cannot be criticised for listing them as they were obtained from an accredited source and the compilers had no right to omit them unless they had proof, which they did not have at the time the vital records were compiled, that the data were wrong. It was still more unfortunate that Mr. Perley printed these records in his History as quoted. For he was not bound by any but his own rules and was not obliged to include records for the reason only that they had appeared in the printed Vital Records.

According to the Salem Vital Records and after looking up all references to Ebenezer Fosters listed in the index of each of

the three volumes of the History of Salem (but disregarding the reference to vol. 3, p. 398, above mentioned) it was found that the only Ebenezer Fosters who were in Salem as early as 1714, were Ebenezer² (John¹) and his son, Ebenezer³. Ebenezer² Foster m. Anna Wilkins and they had the following children born before March 28, 1714: Abigail³, b. Sept. 10, 1701; Jonathan, b. Sept. 9, 1703; Stephen, b. Feb. 28, 1705/6; Benjamin, b. May 12, 1708 and Ebenezer, b. Aug. 23, 1710.³⁵ And it will be found by referring to the previously mentioned List of Baptisms (p. 258) that these five children of Ebenezer² and Anna Foster were baptized April 4, 1714, just a week later than the four children of Eben & Margery Foster. It follows, that neither Ebenezer² Foster nor his son, Ebenezer³, b. Aug. 23, 1710, could have been the father of William, Margery, Lydia and Hannah Foster, bapt. March 28, 1714.

It has frequently been found that when a number of young children born of the same parents were baptized at the same time, one or both of their parents had "owned the covenant" and been baptized on the same or a recent Sunday. Turning to the list of adults baptized (p. 268 of the List), the following records are found:

Richard Foster, Marg't. Foster (and other persons), bapt. March 21, 1714.
Marjery Foster and Mary Foster, Jr., bapt. March 28, 1714.

Looking up all Fosters bearing the names Richard, Margaret, Margery and Mary in the Salem Vital Records and the three indices in the History of Salem, it is found:

Richard Fosters—The only persons bearing these names the Salem printed Vital Records list as born prior to March 21, 1714 are—Richard, son of David² and Hannah (Buxton) Foster, b. Nov. 26, 1687, and Richard, son of Samuel and Mary, or Margery, Foster, b. Dec. 8, 1692 or Dec. 19, 1693.

David Foster's son Richard probably died young: (1) Mr. Perley lists his birth date only, indicating he had found no other record of him; (2) David Foster's next child,³⁶ David, was b. March 19, 1689 (about 16 months after Richard); (3) Richard was not bapt. First Church, Salem, as his younger brothers David, Jonathan, Samuel (and perhaps others) were;³⁷ (4) neither Richard Foster nor any child of his was mentioned in David² Foster's will executed Feb. 15, 1742/3.³⁸ The omission of Richard from his father's will indicates Richard had died prior (but not how long prior) to the date on which the will was drawn; but the omission of any child of Richard's, when his father did mention four grandchildren, indicates Richard had died before he could marry. No one of these four reasons alone would support the claim Richard died young; but considering the four together and giving proper weight to No. 3 (for David²

Foster was a religious man and was a Deacon before his death) it seems proper to conclude this Richard died young and that the Richard who was bapt. March 21, 1714, was the son of Samuel² Foster.

Margaret Foster. The only child bearing this name recorded in Salem Vital Records as born prior to March 21, 1714, was the daughter of Samuel² and Mary, or Margery, Foster, b. Feb. 3 or 4, 1697. James Foster did not marry Margaret Pratt until May 15, 1719.

Marjery Foster. The only child of this name recorded in Salem Vital Records as born prior to March 28, 1714, was the daughter of Samuel and Mary Foster, b. Feb. 4, 1705/6. The only Margery was the daughter of Eben and Marjery Foster, bapt. March 28, 1714, one of the four children whose parentage is questioned. Besides these two records, the only Margery we know of is Margery (or Margaret), wife of Samuel² Foster.

Mary Foster, Jr. Only three Mary Fosters are listed in Salem Vital Records as born or bapt. prior to March 28, 1714, (1) Mary, dau. of John¹ Foster, bapt. First church, March 24, 1650; she m. Hugh Jones, as his second wife, Dec. 31, 1672.³⁹ (2) Mary, dau. of John² Foster, b. Sept. 12, 1675; she m. (date not given) John Harrod of Boston, but had been bapt. First Church, Salem, Oct. 9, 1681,⁴⁰ so she would not have again been bapt. in the Middle Precinct church. (3) Mary, daughter of Samuel and Mary, or Margery, Foster, b. Nov. 8, 1694. Besides these three children, were Mary (Stuard), first wife of John² Foster, but she died about 1690; and Mary (Cowes), widow of John Pomeroy, John² Foster's second wife,⁴¹ who was received into the First church, Salem, by letter from another church, June 1, 1707; she must have been baptized before she could have joined that other church and so was not the Mary Foster, Jr., bapt. Middle Precinct church, March 28, 1714. If the designation "Junior" was given to women on the same basis as at that time it was to men, then Mary, daughter of Samuel² Foster must have been so called to distinguish her from her cousin Mary, daughter of John² Foster, who was the earlier arrival or settler in Salem having been born nineteen years before Samuel's daughter.

In the early years of the Colony, some ministers entered in different sections of their church records, baptisms, the names of persons who "owned the covenant," were admitted to full communion, married, died or whose funerals they attended or knew about and occasionally one would also enter remarks that identified, or helped to identify, some of the persons so listed. As it was possible the records of the Middle Precinct church had been kept in that manner and included remarks that might help identify the adults and children who were baptized March 21 and 28, 1714, and as there is no complete copy of the records of

the Middle Precinct church in the Essex Institute, Salem, or in the Historical Society, Peabody, the minister of the South church, Peabody, was interviewed in June 1938. He stated that when he was installed in that church eighteen years before, he made a search for the first records but was unsuccessful and had never been able to find them. There is no doubt the records were extant shortly before 1920 and the impression received was that they had been "borrowed" about that time and not returned. The loss of these records probably prevents clearing up many matters relating not only to the different Foster families but to many other families who lived in the Middle Precinct.

Consequently, one has to decide from the data herein given about the Ebenezer, Richard, Margaret, Margery and Mary, Jr., Fosters, who were the parents of the four adult Fosters bapt. March 21 and 28, 1714, and the four young children bapt. on the latter date.

A logical conclusion seems to be that they were Margery, the wife of Samuel² Foster, and all their children who at that time were living at home. And that the Rev. Mr. Prescott, being new to the Parish and not well acquainted with his flock that included several Foster families, made an error in entering the name of the father of the four children bapt. March 28th writing Eben instead of Samuel. Ministers occasionally made such errors and sometimes one recorded a wrong given name for a child he had baptized. But Mr. Prescott had become better acquainted with the Foster families by the time he baptized Timothy for that record reads (p. 259 of the List): "Timothy son to Sam'll & Margery Foster, (bapt.) May 15, 1715."

Mr. Perley added "Timothy, bapt. May 15, 1715" to his list of the children of Samuel² and Margaret Foster; he knew from the deed dated Nov. 17, 1726, Samuel's wife Margery was living then and so in 1715 and may have reasoned that Timothy was born within a reasonable time after the last previous child of Samuel and Margaret he had listed (Bartholomew, b. Feb. 23, 1701/02) but that his baptism had been delayed. Evidently, he did not connect the Timothy bapt. May 15, 1715, with the Timothy, b. Aug. 18, 1714, as listed on leaf 30, Book 2, Salem records. Possibly if Rev. Mr. Prescott had given in his record the correct name of the father of the four Foster children he baptized March 28, 1714, Mr. Perley would have included them, as he did Timothy, in his list of the children of Samuel² and Margaret Foster even if he had to change his land records; and doing that would have given him a perfect chain of title to the Royal Side land. He must have felt that including Samuel³ was a weak link.

It is possible Margery's surname might have been learned long ago if the Salem records had not so mixed up the names of Samuel² Foster's wives and the records of his children did not

conflict; and if the History of Salem had not added to the confusion by assigning five of Samuel² Foster's children to his son Samuel.³ For some one examining the records in Essex County Registry of Probate may have found in the record of an estate (not of a Foster) mention of a daughter Margery Foster who could not be placed as the wife of Samuel² Foster because she was too young or it was assumed Margery had died before the date of the probate record and that Samuel² Foster's wife then was Mary, according to the record in Book 2, Salem records. For either of these reasons, the person found may have been placed as the wife of the Ebenezer Foster created by Rev. Mr. Prescott's error in recording the name of the father of the four Foster children he baptized March 28, 1714. If anyone has such a record, it is hoped he reads this article and will at once supply the needed information.

For many years, descendants of Timothy Foster of Walpole and Dudley, Mass., have been hunting for the name of Timothy's mother on the assumption she was the unnamed wife of Timothy Foster, Jr., born Dorchester, Mass., Jan. 8, 1681. They will have to continue the search but they now know her given name was Margery. And the name of Timothy Foster's father has been proved instead of assumed or guessed at.

Sources of information and explanatory notes referred to in Section 5

33. Vol. 3, p. 390.
34. These members of the First church had signed a petition dated April 27, 1713, asking for the establishment of the new church; among them were but three Fosters: John, David and "Hanna," the latter may perhaps have been the wife of David³ Foster who m. Hannah Buxton, Jan. 13, 1686/7. John¹ Foster had a daughter Hannah who was admitted a member of the First Church Jan. 30, 1703.
35. History of Salem, vol. 2, p. 324.
36. Ibid., vol. 2, pp. 324-5.
37. Essex Inst. Hist. Collns., vol. 7, pp. 128, 169.
38. Essex County Probate, Book 328, pp. 201-4.
39. Essex Inst. Hist. Collns., vol. 2, p. 255.
40. Ibid., vol. 7, p. 121.
41. Hist. of Salem, vol. 2, p. 324.

DECLARATIONS OF PEDIGREE AND FAMILY HISTORY AND THE HEARSAY EVIDENCE RULE

By NOEL C. STEVENSON, LL.B., of Los Angeles, California

From time to time a news item of a genealogical nature is observed in the daily press which so whets the curiosity of the pursuer of pedigrees that such things are clipped and filed away, with the fond hope that someday time will be available to investigate the facts behind the story.

A few years ago there was an account in the newspaper of a court proceeding involving the title to land in the Territory of Hawaii that had all the appearance of an interesting case. During the trial, witnesses were permitted to testify to facts regarding their ancestry which they did not know of their own personal knowledge. They had received these facts from persons who were not available as witnesses due to death or incompetency.

Of course, testimony of this type is based on tradition and is hearsay, and any conscientious genealogist has a right to wonder why a court of competent jurisdiction would permit the introduction of such evidence. This calls for a trip to the law library to find out why, in case a person has forgotten the famous exception to the hearsay rule known as "Declarations of Pedigree and Family History."

Hearsay evidence, as indicated, is a term applied to that species of testimony given by a witness who relates, not what he knows personally, but what others have told him, or what he has heard said by others.¹

The general rule is that hearsay is not admissible as evidence in the action at bar.² To compensate for the harshness of the rule certain exceptions to the rule developed, one of which is declarations of pedigree.³ This exception is reputed to have had its origin from some form of bastardy proceedings.⁴

Under this exception, hearsay evidence of pedigree and family history is admissible in the trial when certain principles are complied with. In the necessity principle, the original declarant must be unavailable, that is, deceased, incompetent, or out of

¹ Forrester Cool, *Evidence*, page 75 (1939).

² Sir William Holdsworth, *History of English Law*, (Boston 1903) IX-214. Citing Lord Blackburn in the *Dysart Peerage Case*. 6 A.C. 503. Hearsay also applies not only to oral statements of a person not produced in court, but also to documents emanating from persons not so produced. Doe on the demise of Wright v. Totham, 5 Cl. & Tinn. 720. This fact was recognized as early as 1632 in *R. v. Sherfield*, 3 S. T. 356.

³ Some important exceptions to the rule are: Dying Declarations, Declarations against interest, Reputation as to marriage, land boundaries and moral character, Declarations as to Physical and Mental Condition, Books of Account and Business Entries, Official Records and Entries. Forrester Cool, *Evidence*, 81 to 88.

⁴ IV Alberta Law Quarterly 167, et seq.

the jurisdiction.⁵ The declaration must have been made ante litem motam, or before the controversy arose.⁶ There must be no interest or motive on the part of the declarant to deceive.⁷ He must have been possessed of the usual testimonial qualifications,⁸ and must have had fair opportunities for acquiring the knowledge.⁹ The operation of the exception to the rule is generally restricted to members of the family, although declarations by non-relatives are not excluded in some jurisdictions in the United States.¹⁰

One of the most important principles to be satisfied is whether the testimony offered is trustworthy. This is called "The Special Guarantee of Trustworthiness," or "Badge of Trustworthiness." On what basis can the declaration be accepted as trustworthy and not a fabrication? In answer to this, Lord Eldon said in a famous case:

Declarations in the family, descriptions in wills, descriptions upon monuments, descriptions in Bibles and registry books, all are admitted upon the principle that they are the natural effusions of a party who must know the truth, and who speaks upon an occasion when his mind stands in an even position, without any temptation to exceed or fall short of the truth.¹¹

An opinion by Justice Pearson of North Carolina is representative of the American view:

"(Pedigree) is a matter about which [the members of a family] are presumed to be particularly interested to ascertain and declare the truth. Everyone from a feeling of nature endeavors to know who his relations are and will seldom declare those to be his kinsmen who are not."¹²

It is easy to picture the scene of such a declaration. Suppose at a family reunion the group starts to talk about their ancestry. This is what Lord Eldon termed "natural effusions." It would be natural for some hoary headed patriarch of the clan to say: "My father was Joshua Thistlewiss, he settled on the old town lot in 1802, and died in 1825." This old patriarch, the declarant, dies, and subsequently a controversy arises over the title to the old town lot. If all of the principles are satisfied, the testimony of the listeners as to what the declarant said, even though hearsay, is admissible.

After reviewing some of the leading cases involving evidence of this type, a person at least awakes to the conclusion that the

⁵ John Henry Wigmore, *A Treatise on the Anglo-American System of Evidence in Trials at Common Law*. Boston 1940. Third edition. V-293.

⁶ *Ibid* V-298.

⁷ *Ibid* V-301.

⁸ *Ibid* V-302.

⁹ *Ibid* V-302-3.

¹⁰ *Ibid* V-304-5.

¹¹ *Whitelocke v. Baker*, 13 Ves. Jr. 514, 33 English Reports 385. (1807)

¹² *Doe on the Demise of John Moffitt v. Joshua Witherspoon*, 10 Iredell 192, 32 North Carolina 145. (1840).

early court reports are a veritable gold mine of genealogical data.¹³ A few of these cases will amply support this statement.

ISAAC WALDRON V. SAMUEL TUTTLE¹⁴

In an action for trespass, the defendant Samuel Tuttle, pleaded that he was lawfully possessed of a certain close, being lot No. 107 in Barrington, and to prove that he was owner of the lot, he gave in evidence:

1. A deed dated in 1725 purporting to be made by Thomas Beck of Portsmouth, and to convey to his son, Joshua Beck of Portsmouth, the original right or share as granted to him as an inhabitant of Portsmouth, and as granted to him by the charter of that township.¹⁵

2. The testimony of Mrs. Cutts, who stated she was a granddaughter of Joshua Beck, of Newburyport, and that she had repeatedly heard that the said Joshua, her grandfather, was a native of Portsmouth, and that she had no doubt that he was; and that he had eight children, to wit: Abigail, Mary, Jonathan, Sarah, Thomas, Hannah, Nathaniel and Anna.¹⁶

LETTICE WINDER V. EDMUND WINDER LITTLE¹⁷

"The plaintiff lived in Great Britain, and to prove that she was intitled as the widow of Edmund Winder, Mr. Sergeant her counsel, produced a copy of the parish register by the vicar, certifying her marriage with Edmund Winder on the 11th May 1727, at a place called "Goosenargh," in Lancashire in Great Britain . . . To prove the identity of the said Edmund, and that he was the person who had died seized of the house in question, the ex parte affidavit of one Thomas Fisher, now living in Lancashire aforesaid (whose sister was the said Edmund's first wife) was produced, shewing he was present at his second marriage with the plaintiff, when he left England, and that he had corresponded with him (Edmund Winder) since his arrival in Philadelphia in 1732. . . ."

"The defendant's counsel insisted that the plaintiff could not be . . . the wife of the said Edmund Winder, and produced a number of letters found in the chest of the deceased, from the said Thomas Fisher, the plaintiff, the mother of said Edmund, and others of his relations in England, wherein no mention is

¹³ For research in the early reports see: "Genealogical Research in the Law Library." *THE AMERICAN GENEALOGIST*, October 1941, page 100.

¹⁴ 4 New Hampshire 371 (1828).

¹⁵ This deed as evidence was an application of the "Ancient Document Rule."

¹⁶ The testimony of Mrs. Cutts, (whose full name was not given in the report) was rejected as a Declaration of Pedigree, because not the declaration of a deceased person. She knew the facts of her own knowledge. When a situation like this arises, it does not necessarily alter the truth of the facts.

¹⁷ 1 Yeates 152 (1792 Pennsylvania).

made of his having a wife in England, the said Fisher calling the plaintiff "sister Letty." They (the defendants) proved he (Edmund Winder deceased) had married a wife in New Jersey, and cohabited with her twenty-five years, and that they were considered in the neighbourhood as man and wife."

"By his will dated 15th July 1778, he gives all his property to his friends in America without taking any notice whatever of his having a wife or child in England."¹⁸

LESSEE OF THOMAS LILLY V. GEORGE KITZMILLER¹⁹

An action for ejectment from one messuage, and 156 acres of land in Manheim Township. The lessor of the plaintiff grounded his title on a Maryland patent for 6822 acres of land, dated 11 October 1735. John Digges was the original patentee. The report mentions his eldest son Edward Digges.

The defendant's title rested on a warrant to Martin Kitzmiller, for 150 acres of land including his improvements, issued from the land office of Pennsylvania, dated 5th February 1747, and a conveyance from the said Martin Kitzmiller and Juliana his wife, to the defendant (George Kitzmiller) in consideration of 800 pounds. It was proved that the defendant and his ancestor had been in possession of the lands in question since the years 1738 or 1739.

John Leman, Senior, and his son John Leman, Junior, were mentioned in the proceedings. John Leman, Senior, first settled on the lands in controversy "and had a son born on the land," between 1735 and 1738.

JAMES ELLIOTT THE YOUNGER, ET AL. V. THE LESSEE OF
WILLIAM PEIRSOL, ET AL.²⁰

William Peirsol, and Lydia Peirsol, his wife, Ann North, Jane North, Sophia North, Elizabeth F. P. North, and William North, citizens of Pennsylvania, commenced their action of ejectment against James Elliott, the younger, and others, the plaintiffs in error,²¹ in the circuit court for the district of Kentucky, to recover possession of 1200 acres of land, part of 2000 acres in

¹⁸ The report also gives additional details: "Some original memorandum books in the handwriting of the said Edmund Winder were also shewn, wherein his birth, the time of his arrival in Philadelphia, his last marriage, the death of his last wife, and several other events were noted down, and a number of entries were also made, . . . which could not be explained, unless on the grounds of his being married to a second wife in England, having had a daughter by her, and leaving them and his friends on some disgust. The whole transactions wore the appearance of great mystery." The court held that Lettice Winder was the wife of Edmund.

¹⁹ 1 Yeates 28 (Pennsylvania 1791).

²⁰ 28 U. S. (1 Peters) 328 (1828 Federal Court).

²¹ The term "plaintiffs in error," indicates that James Elliott, the younger, was the defendant in the trial court.

Woodford County, Kentucky, patented to Griffin Peart, 1 May 1781.

Sarah G. Elliott, formerly Sarah G. Peart, was an heir of Griffin Peart. She married James Elliott, and died about 1822 without issue. Francis Peart and LeRoy Peart, were brothers of Sarah (Peart) Elliott, they died shortly before her also without issue.

The deposition of Mrs. Ann Braugh, widow of Robert Braugh, states she heard [her deceased husband] speak of his family connections, and the late Mrs. Mary North, formerly Mary Peart, and the late Mrs. Sarah G. Elliott, were cousins, both on the side of the father and mother.

On 12 June 1813, James Elliott and Sarah G. Elliott, executed a deed, to Benjamin Elliott, under whom plaintiffs in error (James Elliott, the younger, Benjamin Elliott, et al.) claim title.

RABORG V. HAMMOND²²

The plaintiff offered to read in evidence a paper purporting to be a copy of the will of a certain Thomas Hammond: "In the name of God Amen. I Thomas Hammond, of Anne Arundel County, and province of Maryland, being of perfect sound mind and memory, and ordered in a few days to join General Washington's Army, and if it should be the pleasure of our Supreme Judge that I should not return again" Names his son Thomas Hughes Hammond, "my brother Andrew Hammond," his wife: Elizabeth Hammond, mother of his son Thomas Hughes Hammond. Dated 26 August 1776. Executors: "my brothers William Hammond and Andrew Hammond." Witnesses: George Hammond, Jr., Harriet Hammond, Margaret Hammond.

The testator Thomas Hammond died in January 1777. Andrew Hammond, resided and died in Anne Arundel County, a few hours after Thomas Hammond. The plaintiff then gave in evidence by a competent witness, that the testator Thomas Hammond, and Andrew Hammond, died (in January 1777) and were buried on the same day, at their father, Lawrence Hammond's farm. Their father Lawrence Hammond died between 1777 and 1827. One sister (no doubt Margaret Hammond) of Thomas and Andrew Hammond was dead before 1827, and the other (sister) Harriet Hammond, is now living (c. 1827) in the City of Baltimore. Thomas Hughes Hammond died unmarried, without issue, before the age of twenty-one.

JACKSON, ex. dem. miner and miner v. BONEHAM²³

This was an action of ejectment brought to recover a part of

²² 2 Har. & G. 42 (Maryland 1827).

Lot No. 86, in the former township of Milton, now Geneva in the County of Cayuga, New York, tried in June 1817.

The plaintiff produced in evidence an exemplification of letters patent, dated 13 September 1790 to Moses Minner for part of lot 86 in township of Milton in Montgomery County.

Esther Miner was called as a witness for the plaintiff, who testified that she was the sister of Moses Miner, and of the lessors of the plaintiff, and that Moses Miner was by trade a gunsmith, and lived at Stonington in Connecticut, and about the year 1774 went to sea. The witness also proved a letter from Miner to his mother, dated at New York in September 1775, in which he says that "he had got to be a soldier." She heard in 1776, that he was with the New York Troops, but never heard of him again until fourteen years after the war, when she was told he had been killed. That he always spelt his name Minor and Miner, and not Minner.²⁴

The defendant gave in evidence a deed for the premises dated August 29th, 1791, from Ebenezer Minor, describing himself as "heir at law to the estate of Moses Minor, deceased, late a private in the first New York regiment, mariner, to William I. Vredenburg, in fee." It appears from the testimony of Esther Minor, that she and the plaintiff's lessor (Miner and Miner) were the only surviving heirs of Moses Miner.

EMERSON V. WHITE²⁵

Action for trespass for breaking and entering lot number 13 in the Masonian Patent, in the town of Moultonborough, County of Strafford.

The plaintiff proved that in 1807, the Masonian proprietors entered upon and surveyed the land, and afterwards assigned it by vote to Richard Wibird. To connect himself with the heirs of Richard Wibird, he introduced a deed dated November 9, 1835, from Benjamin Penhallow and Susan his wife, Mary Austin, a widow, and Thomas W. Penhallow, merchant, all of Portsmouth, New Hampshire, to Samuel Emerson, Esquire, of Moultonborough, and the following deposition of Daniel Austin:²⁶

"I, Daniel Austin of Portsmouth, in the County of Rockingham, and State of New Hampshire, of lawful age, depose and say, in answer to the following interrogatories, viz.:

²³ 15 Johnson's Reports 226 (New York 1818).

²⁴ The plaintiff also gave in evidence a sworn copy of the records of the town of Stonington, which contained the date of the marriage of the parents of the lessors, and the time of the birth of their children. The lessors were "Miner and Miner."

²⁵ 29 New Hampshire 482 (1854).

²⁶ The date of the deposition is not given in the report, but it was no doubt in 1853 or 1854. However, this could be remedied by examination of the original file in the custody of the clerk of the court where tried.

Interrogatory 1st: Please state your residence, age, and who were your parents, your mother's maiden name, and when she died, and who were her parents?

Ans: My residence is at Portsmouth, my age is 58 years; my parents were Mary and Daniel Austin, my mother's maiden name was Mary Penhallow, and she died about four years ago, at Portsmouth; her parents were Sarah and John Penhallow.

Int. 2nd: Please state who were the brothers and sisters of your mother, and children of Sarah and John Penhallow, and whether they are now living, or either of them are now living, and if not, when your uncles Benjamin and Hunking and Thomas Penhallow died, and what your uncle Thomas Penhallow left?

Ans: They were John, Samuel, Richard, Thomas, Hunking and Benjamin Penhallow, and Sarah Penhallow was their sister. They are all deceased; Benjamin and Hunking died at Portsmouth; the former about twelve years ago, the latter died about the year 1827, and Richard also; Samuel died in Portsmouth within my recollection; Thomas left as children: Thomas W. Penhallow, now living, and Sarah Ann Penhallow, afterwards Mrs. Jeremiah Goodwin, now deceased; Richard was never married.

Int. 3rd: Please state the maiden name of your grandmother, Sarah Penhallow, and who were her parents, and whether they are now living, and if not, about what time they died?

Ans: Her name was Sarah Wentworth; her parents were Elizabeth and Hunking Wentworth.

Int. 4th: Please state the maiden name of your great-grandmother, Elizabeth Wentworth, and who were her parents, and whether your great grandmother is dead, and her parents are dead, and about the time they died.

Ans: Her maiden name was Elizabeth Wibird, her parents were Richard Wibird and Mrs. Due; (he married a widow I do not remember her Christian name). My great grandmother is dead; her parents, also, are dead; as to the time I am uncertain.

Int. 5th: Please state what paintings you have in your possession of the likeness of your ancestors, and how you obtained the knowledge that they were your ancestors?

Ans: I have the likeness of my great great grandmother Wibird, also of my great uncle, Richard Wibird, Junior. I had the likeness of my great uncle, Thomas Wibird, but it is loaned; and also have the likeness of my great great great grandmother, Penhallow. I have the ordinary evidence which families have of the pictures of their ancestors. Ever since my recollection they have been in the family as the pictures of my ancestors, and when I was a boy, my grandmother pointed out to me the pictures as being what I have designated.

Daniel Austin."

THE FAMILY OF CONCKELYNE, CONKLIN AND CONKLING IN AMERICA

By CONKLIN MANN, Esq., of New York, N. Y.

Among the marriage licenses of Nottingham, England, are these three items:

"23 Feb. 1630/31, Annanias Conckelyne of Kings Swinford, County Stafford glasse maker and Mary Lander, parish St Peter's Nottingham spinster: at St. Peter's (Bond by John Conckelyne of Nuthall glassmaker)."

"12 April 1637, Jacob Conckelyne of Awlsworth Parish Nuthall, glasemaker and Elizabeth Hickton of Watnall parish Greasely spinster at St Nicholas."

"25 June 1642, Thomas Cooke of Ilkēston, County Derby, pistor, bachellar and Elizabeth Concklyn of Nuthall, widow."

The register of St Peter's Parish, Nottingham, contains these two marriage records:

"John Concklin and Elizabeth Allseabrook 24 Jan. 1624/25."

"Ananias Conckelyne and Mary Launder 23 Feb. 1630/31."

Except for a few entries in the Kingswinford register relating to children from the above marriages, nothing more has been found bearing on the Conklins in England. It must be admitted, however, that no exhaustive search has ever been made. I am convinced that there are no records available in America that will complete the Concklin story. It will be told more fully when various English parish records are again available. The records that should be searched are widely scattered but they have one common genealogical denominator—they are of churches in which the glassmakers from Continental Europe worshiped. Few of the records are in print; perhaps war has destroyed many of them.

After considerable reading bearing on the story of the Italian, Lorraine and Norman glassmakers who came in a steady stream to England for several years following 1560, I venture a few opinions, which at best are mere guesses. My guess is that Conckelyne or Concklyne is an English corruption of a Continental name; that Ananias and John Conckelyne were of the second generation in England; that their forebears came from Italy, Lorraine or Normandy, perhaps by way of Antwerp.

The ending 'elyne' or 'lyne' does not establish the name as Norman, Flemish or Scotch, as has been said. If, for instance, the great Venetian glassmaker Verzelini, could quickly become Verselyne in English parish records, there is no reason why a

Florentine-Norman family such as Concini should not become Conckelyne, Conckelyne or Concklyne. Or if the French "Gandelin" (Gand plus the French double diminutive suffix el-in) could be corrupted rapidly to English "Candlin," who cares to argue that the original first consonant of Conklin was not G?

At least one interesting example of John Concklyne's handwriting is in existence, his application, written when an old man, for his granddaughter Rebecca Brush's marriage license. It is courteously worded in a style completely English and written in characters equally English. It is difficult to believe that an ordinary man who had not obtained his education in England could have written it. The fact that Ananias and John Concklyne evidently came to Salem, Massachusetts Bay, under contract to make glass indicates that they were skilled glassmakers. That they belonged to the burgher class seems obvious from two important social facts. The Alseabrooks and Launderers of Nottingham were leading burgher families of Nottingham. When the day came for the children of Ananias and John Conklin to marry, they did well. The two oldest sons of John Concklyne married in Southold the town's richest widow and a daughter of the town's richest man, respectively. In East Hampton, Jeremiah Concklyne, oldest son of Ananias, married Mary, daughter of Lion Gardiner, the most important man of Eastern Long Island. Benjamin, the second son, took for his wife Hannah, daughter of Justice John Mulford, head of a powerful clan. It is inconceivable that the Concklynes of the second generation could have consistently allied themselves with the Hortons, Youngs, Gardiners and Mulfords unless they were of the same strata.

John and Ananias Conckelyne are now accepted as brothers. There is little room for doubt of the relationship, though I know of no absolute proof. Should Jacob Conckelyne be added? Perhaps. We know that John Conckelyne named a son Jacob although he never named one Ananias—nor, for that matter, did Ananias name one John.

The parentage of John Concklin of Westchester County, New York, who was of Flushing, Long Island, in 1660, remains a mystery. There are several theories concerning it that will be discussed in the article about him, but, at this writing, I do not know his parentage or where he came from.

During the first two hundred years in this country, the name Conckelyne or Concklyne was spelled in many different ways. Today, it is fairly well standardized as Conklin, with the exception of certain of the East Hampton lines that keep a final 'g,' and a family here or there that makes use of the form Concklin. Soon after 1700, the form Conkling became standard in all lines descended from Ananias Concklyne. In Southold, the final 'g' was frequently used for a hundred years, also the forms

Concklin, Conklin and Conkline. In Huntington, the name was Conklin but the forms Conklyn, Coneclin, Conkline, Conkling and other variations appear. In Westchester, Coneclin was almost as standard as was Conkling in East Hampton.

In Rooney's *Genealogical History of Irish Families*, two coats of Conklin arms are reproduced and it is stated that the family was of the Milesian group and had large holdings near Limerick. Diligent search by a highly competent genealogist skilled in Irish research failed to uncover data to support Rooney's statements. We know that there have been Conklins in Ireland for many years—several families came from there to America in the early 1840s. Whether they were in Ireland before or after Ananias and John Coneklyne came to America, I do not know.

Ananias Coneklyne was the first of the name to reach America. The town of Salem, Massachusetts Bay, on 25:4:1638, ordered that Ananias Coneclin* and William Osborn "shall have an acre a peece for a home lot," also, "Ananias Coneclin shall have that ten acres of land which was Killams lot, he having it exchanged for another on Cap Ann side."

Salem on 27:11:1638 granted to Obediah Holmes one acre for a house near the glass house and 10 acres more to be laid out. By 17 Apr. 1639, Lawrence Southwick had been granted half an acre and on 11 Dec. 1639, the town granted "to the glassmen severall acres of ground adjoining to their houses, viz: one acre more to Ananias Concline: and two acres a peece to the other two viz Lawrence Southick and Obediah Holmes each of them 2 acres to be added to their former house lotts."

It is unlikely that John Coneklyne accompanied Ananias to Salem, for he first appears on 14 Sept. 1640 when the record states: "John Concline receaved an inhabitant of Salem." Also, "Granted to John Concline ffive acres of ground neere the glasse house. Granted half an acre more of land for the said John Concline neer the Glass howse."

The records of glass making in Salem lead to the conclusion that Holmes, Southwick, Ananias Coneklyne and, perhaps, other "undertakers" formed a company in 1638 and later were joined by John Coneklyne. Evidently the Coneklynes were the master craftsmen while the others advanced the capital. Evidently, too, Holmes, Southwick and the other capital soon lost interest in the venture, which did not thrive, and the Coneklynes assumed the entire burden.

The General Court in Boston on 10 Dec. 1641 voted that "if the towne of Salem lend the Glassemen 30 pounds, they shall bee allowed it againe out of their next rate; and the glasse men

* There is much data on the Coneklynes in "The First Glass Factory—Where?" by James Kimball, *Historical Collections Essex Institute*, Vol. XVI, Jan. 1879. Also in the *History of Salem* (1926) by Sidney Perley, Vol. II.

to repay it againe if the worke succeed, when they are able." This subsidy is proof of the importance in which the colony held the venture.

The town of Salem on 27 Feb. 1642/43 voted "its promise by the towne that the 8 pounds that hath been lent by the Court by the request of the towne to Ananias Concklyne and other poore people shall be repayed the Court, at the next Indian Corne Harvest." Matters went from bad to worse for the glassmen, however, as is shown by their petition of 1 Oct. 1645 to the Governor and Deputies:

"A Humble petition of John and Ananias Conkeloyne sheweth that your Petitioners have been imployed Divers yeares about the glasse worke, and the undertakers now this three yeares neglected the same, so that your petitioners are not able to subsist and shal be necessitated either wholly to leave it of (off), or to remove elsewhere, for better Accomodations of themselves: wherefore theere humble request first is unto this Honoured Court, that they might be freed from theire ingagment unto the former undertakers and left free to joyne with such as will carry on the work effectually, except the former undertakers forthwith doe the same, that So the Worke which they Conceive to be a public good use for the country may not fall to the ground."

No further connection of the Concklynes with the glassworks is found and it seems probable that they turned to other fields of activity. Both were of Salem on 30 May 1649 when, along with Thomas Scudder, each received four acres of meadow land. That John Concklyne visited the towns along Long Island Sound in the fall and winter of 1649/50 is indicated by a letter in the Winthrop Papers (Mass. Hist. Collection). Writing from Salem, 29:2:1650, Emanuel Downing sent a letter to his cousin John Winthrop Jr., at Pequite (New London) Conn., which begins: "Sir: I thank you for the letter by John Conklin the bearer thereof who can informe you of our condition here. We have had a mile winter until the begynning of the 11th month," etc. etc.

Probably Concklyne had visited various Sound towns with a view to resettling and had returned to Salem during the winter carrying a letter from Winthrop to Downing. Presumably, late April 1650 was the time when the Concklynes, Scudders and several other Salem families removed to Southold. An almost complete lack of Southold records before 1652 prevents setting any positive date of arrival.

John Concklyne's marriage took place six years before that of Ananias. His name appears before that of Ananias on their petition to the Court, 1 Oct. 1645. Presumably, he was the older man. Ananias, however, evidently reached Salem before John. For that reason his family will be taken up first.

THE LINE OF ANANIAS CONCKLYNE

1. ANANIAS¹ CONCKLYNE was born probably about 1605. On 23 Feb. 1630/31, he married Mary Launder at St. Peter's in Nottingham. On 11 Dec. 1631, their daughter Mary was baptized at Kingswinford. No other record concerning Ananias Concklyne in England has been found except those already mentioned. We know that he was in Salem not later than June 1638. Presumably, he became a member of the Salem church that year. When Mary (Launder) Concklyne died is not known, but the presence of the name of Susan Concklyne on the earliest church list (predating 1659) is reasonable assurance that he had a second wife while in Salem. Susan Concklyne is marked "dismissed" and it seems likely that she accompanied Ananias to Southold.

Southold town records in Dec. 1652 in descriptions of six parcels of land owned by various men mention Ananias Concklyne's holdings as abutting. No complete description of his lands is in Southold records. He still held Southold lands in Feb. 1654, though he had removed to East Hampton by 5 July 1653, for on the first date Southold lists his holdings as "the meadow at Norweste two ackers and a halfe and sixteene poole (poles) more or less bounded by Thomas Osborne and William Hedges." On the same date, he received a meadow at Occobanock bounded by lands of the same men. When Thomas Scudder sold his Southold lands about "ye tenth month 1656," they were bounded by lands formerly in possession of Ananias Concklyne but then in that of George Miller. Miller, probably, was already married to Concklyne's daughter. Miller sold his holding, which he described as formerly belonging to Ananias Concklyne, in Feb. 1656/57, and removed to East Hampton.

On 3 Apr. 1655, the town of East Hampton ordered that Ananias Concklyne get an acre in the Eastern Plain "in consideration of part of his addition yt he wants in his home lott." He got another acre on the Great Plane between the lands of Richard and John Stratton, on 24 May 1655. The town, in July 1655, ordered that Mr. Lion Gardner, Thomas Chatfield, Ananias Concklin and William Hedges "shall have the medow att the North side of Hook Pond and at the end of it to the swamp they leaving a sufficient way through it wher it shall be most convenient for the town. The last land entry in his favor at East Hampton, dated 1 Apr. 1656, grants him six acres in the Eastern Plain adjoining Benjamin Price, in consideration for which he gave up six acres of woodlot near the Little Plain.

Ananias Concklyne was elected fence viewer in 1653, 1655 and on 7 Apr. 1657. He was an assistant (selectman) in 1654 and a chimney viewer in 1656, along with Lion Gardiner. He died

at East Hampton between 7 Apr. 1657 and 5 Oct. 1657 when a most complete inventory of his estate was taken. Probably, he was little past fifty when he died. Because the settlement of his estate is most fully reported in the printed records of the town of Southold, the lengthy details are not repeated here. The settlement, however, clearly indicates that after he came to East Hampton he had a third wife, Mrs. Dorothy Rose, the widow of Robert Rose, who was the mother of his youngest child, Hester.*

Children of Ananias¹ Concklyne and Mary Launder:

- + 2. i. MARY²,† "Mary daughter of Annyas Konklyn and Mary his wife baptized 11 Dec. 1631." Kingswinford Parish Register.
- + 3. ii. JEREMIAH², b. ca. 1633, g.s. East Hampton.
- 4. iii. CORNELIUS², b. say 1635/36, remained at Salem, Mass. George Miller as admr. of est. of Ananias Concklyne in Jan. 1657/58 stipulated he would pay Cornelius his legacy in Feb. 1658/59 "at my now dwelling house" at East Hampton—clearly notice to Cornelius to "come and get it." Cornelius m. MARY ——— and d. childless at Salem, 21 Mar. 1668. His wid. m. (2) as his second wife, Robert Starr of Salem. Before their marriage, 30 Dec. 1669, Starr deeded land to "Mary Concklin my espoused wife." He, b. abt. 1626, m. first, 24 Nov. 1650, Susanna Hollingworth. She d. 17 May 1665 leaving five ch. By Mary Concklyne, Starr had three daus.: i. Mary, b. 9 Oct. 1670/71; ii. Hannah, b. 22 June 1673; iii. Sarah, b. 22 June 1673. Robert Starr was killed by the Indians in the winter of 1677/78. Inv. 25 June 1679, over 154 pounds. Adm. to wid. Mary who mentions her four ch. "very young." Papers show that Starr's first wife was a dau. of Capt. Richard Hollingsworth and names 3 of ch. as Robert, Richard and Susanna. Mary (Concklyne) Starr m. 3rd, 8 Sept. 1680, William Nick of Marblehead, Mass. *
- + 5. iv. BENJAMIN², b. say 1637/38.
- 6. v. LEWIS², bap. 30 Apr. 1643, Salem, d. y. He may have been a son of a second wife, Susan ———.

Child of Ananias¹ Concklyne and Dorothy Rose:

- 7. vi. HESTER², b. ca. 1654, m. CAPT. SAMUEL MULFORD, d. 24 Nov. 1717 ae. 63. For data about her, see Vol. XI, p. 139, *The American Genealogist*.

2. MARY² CONCKLYNE (Ananias¹) was baptized at Kingswinford, County Stafford, Eng., 11 Dec. 1631. It is logical to assume that she was the daughter of Ananias Concklyne who

* See *The American Genealogist*, Vol. XI, page 139, article entitled "Two Daughters of Ananias Concklyne."

† Since the publication of the article "Two Daughters of Ananias Concklyne," the Rev. Richard H. Fowler has searched the Kingswinford register at the request of Mrs. Mary Lovering Holman of Lexington, Mass. His findings verified the fact that Ananias Concklyne had a daughter many years older than Hester. Mrs. Holman most kindly has given me permission to publish this fact.

married George Miller about 1653 while her father was still living in Southold. In this assumption, we may be as wrong as were earlier writers who assumed that Hester Concklyne was Miller's wife. Although there are several references to Miller's wife and widow in East Hampton records, none supplies her given name.

When Ananias Concklyne removed to East Hampton, Miller took over his home in Southold. He was in East Hampton by 19 Feb. 1656/57 when, being late of Southold, he sold his Southold holdings to John Tuthill. On 29 Jan. 1657/58, he gave bond as administrator of the estate of his father-in-law, Ananias Concklyne. In Mar. 1657/58, the town of East Hampton voted him an addition to his home lot next to Jeremiah Mecham. His name appears many times in the town and land records. He seems to have specialized in buying and selling stock, particularly horses. An undated allotment states: "Allotment of George Miller 13 acres which was Robert Rose and afterward in possession of Ananias Concklyne and so derived by George Miller son in law of said Ananias." He had purchased land of Thomas Rose, eldest son of Robert, on 19 Dec. 1665.

He evidently got a bit careless about his horses, for on 4 Dec. 1668 a coroner's jury found "the verdict according to the testimony they have is that George Millers provoking of the horse caused him to strike him which occasioned his death."

Evidently, his widow did not remarry, at least for several years, for there are many references to the widow Miller in the town records. An undated record of the lands of Benjamin Concklyne, her brother, includes this item: "A second home lot of six acres being now his home lot did belong unto William Mulford formerly and being by him made over unto the widow Myller, wife of George Miller deceased and which home lot was freely given and granted by the widow Myller unto Benjamin Conckling her brother but since this gift was as aforesaid the aforesaid Benjamin for some considerations moving him thereto have promised the widow his sister, that he will hereafter give unto one or other of her sons three acres of land elsewhere." George Miller may have been a brother or other relative of three other East Hampton Millers of his generation: Andrew, William and John. Children of George Miller and Mary Concklyne:*

- i. JOHN, b. 1654, d. 4 Dec. 1738 ae. 84 yrs. 8 mos. About 1673, John Miller who had appeared regularly in East Hampton recs. became "Sr." Two John Millers appear on the East Hampton tax lists of 1675 and 1683. On 25 Oct. 1701, John Miller as eldest son of George Miller, deceased, gave a confirming deed to property sold that day by Cornelius Miller to John Conckling.

* Probably there were also daughters.

- ii. JEREMIAH, b. ca. 1656, d. 2 Jan. 1723/24, ae. 67 yrs. An undated land entry in East Hampton reads: ". doth belong to the allotment of George Miller deceased who was father of aforesaid Jeremyah Miller." He m. MARY, dau. of John MULFORD whose will dated 4 Dec. 1683, calls her "daughter Mary wife of Jeremy Miller." After 1696, he is called Lieut. Miller. His wid. d. 9 Oct. 1748 ae. 95. Her will names sons Eleazer, Josiah and Jeremiah. Eleazer, d. 1788 ae. 91; Josiah, d. 1770 ae. 81 and Jeremiah, d. 1756 ae. 66.
- iii. GEORGE, b. say 1658, d. 30 Oct. 1712.
- iv. CORNELIUS, b. say 1660. Proved a son by deed of 25 Oct. 1701.

3. JEREMIAH² CONCKELYNE (*Ananias*¹) was born ca. 1633, probably in Kingswinford, County Stafford or in Nottinghamshire. His ancient brownstone gravestone in East Hampton, L. I., reads, "Here Lyeth the Body of Mr. Jeremiah Conkling who dyed Mar. ye 14th 1711/12 in the 80th Year of His Age." During the later years of their lives, the East Hampton Concklynes of the second generation began to use the form Conkling which has been standard spelling of the name in Ananias' branches ever since. East Hampton Church records state that Jeremiah Conklin Senr. aged about 78 years died about nine in the evening of 14 Mar. 1712. Jeremiah Concklyne first appears in East Hampton records, 16 Nov. 1655, when he testified that he had been at Monchoneck (Gardiner's Island) the past winter, coming away about 17 March. Also, that about three weeks before he heard Anthony Waters say that "Mark Meggs or others might strike Mr. [Lion] Gardener as well as another if he stood to help the Dutchmen."

By 1658, he married Mary Gardiner, born 30 Aug. 1638, at Saybrook, Conn., daughter of Lion Gardiner, First Lord of the Manor of Gardiner's Island. This marriage automatically placed him among the important men of the town, a position he solidified by natural ability. From then on until his death, his name appears frequently in the records as a purchaser or seller of lands, officer or committeeman, witness, etc.

The will of Mary, widow of Lion Gardiner, dated 19 Apr. 1664, probated 6 June 1665, gives to her daughter Mary Conkling "my whole accomodations at East Hampton," and mentions Jeremiah Conckling as her son-in-law. On 7 Mar. 1694, John Gardiner of the Isle of Wight (Gardiner's Island) confirmed to "my Aunt Mary Conckling wife of Jeremiah Concklin quiet possession of all that alotment which did formerly belong to my honoured grandfather Lion Gardiner: lying and being in East Hampton."

Jeremiah Conkling was named among the seven patentees in the Duke of York's Patent to the Proprietors of East Hampton, 13 Mar. 1666. He also was one of the twelve trustees in Gov. Dongan's Patent of 9 Dec. 1686. The town tax list of 1675 assessed him on 193 pounds 10 shillings. In 1683, he stood

eighth on a list of 71 with estimated wealth of 247 pounds. The Indians on 18 Dec. 1669 renewed a whaling agreement formerly made with Lion Gardiner and the Rev. Thomas James, this time with Mr. James and "Jeremyah Conckling now standing up in ye rome of Lion Gardiner." When the town proprietors contracted with the Indians on 1 Dec. 1670 for the important Montauk Purchase,* Jeremiah Conckling was one of four bondsmen for payment by the town.

Justice John Mulford, Jeremiah Conckling and Rev. Thomas James, on 30 May 1672, obtained a grant of large acreage at Meantacut which caused wide discontent among other proprietors. Eventually, they gave up the land for land at Aca-bonack. When, on 13 June 1674, the town voted to join with Southampton and Southold to petition the King to allow them to continue under the Government of Connecticut and be "priveleged with the priveleges of their charter," Jeremiah Conckling and five others were named to sign the petition. In July 1686, ten relatively new inhabitants complained to Gov. Dongan that the town would not lay out land to them though they had paid taxes for four years. After hearings, the Governor ordered that 30 acres be laid out to each. The town's protest, dated 6 Oct. 1686, was deemed a libel by the Governor and on 10 Nov. 1686 warrants were issued for the arrest and removal to New York of eleven men including Jeremiah and Benjamin Conckling. Evidently, they were found guilty and fined, for on 9 Dec. 1686, they petitioned asking that the penalties be remitted. The entire proceedings were quashed when the town agreed to pay 200 pounds for a new patent from Gov. Dongan. The affair appears to have been one of the Governor's well known squeeze plays.

Jeremiah Conckling on 16 Apr. 1697 divided certain land between "my son Cornelius Conckling and my son-in-law Thomas Mulford." On 7 Mar. 1707, "for good affection I do bear unto my sons David Conckling and Luis Conckling," he granted them lands that came to him from Lion Gardiner. Ananias Conckling, Jr., on 7 June 1708 deeded Lewis Conckling, weaver, certain lands at Amagansett. The deed was confirmed by Jeremiah Conckling as follows: "Whereas my son Ananias Conckling hath sold his brother Lewis Conckling and whereas I have given all my lands to my sons by my last will and testament whereby they may seem not to have full power to alienate or dispose them till the testator's death I do therefore allow, own and warrant the above sale."

* The Montauk Purchase was an East Hampton venture in cooperative ownership and operation. The land was used primarily for pasture. Reference in East Hampton records is constant for over a hundred years. In 1748, when holdings had become desperately involved by multiple divisions, a simplification was devised. Each share, at that time, was valued at 40 pounds. See Hedges's *East Hampton*, page 112.

His last deed of record is dated 26 Apr. 1711: "Whereas there is a division of land to be laid out in East Hampton I Jeremiah Conklin yeoman good affection unto David and Lewis Conkling both of East Hampton" grant permission to choose and have these lands surveyed to them. There are several undated descriptions of East Hampton land before 1700. The description of three such parcels is accompanied by this statement: "These three parcels of land above mentioned I Jeremiyah Conkling Senr. do freely give unto my sons Jeremiyah Conkling and Cornelius and my daughter Mary Mulford wife of Thomas Mulford." Jeremiah Conkling was the first administrator of his father's estate in 1657, but was soon succeeded by his brother-in-law, George Miller. He appears many times as a witness or administrator of property and estates. For many years, he was a town overseer, selectman or trustee, the title of the office varying with the years. He was supervisor in 1687 and in 1699 declined to be constable. He became a permanent grand juror in 1684. He and his brother Benjamin set in motion the system of nepotism by rotation in civil offices that the East Hampton Conklings practiced most successfully for well over 100 years. Among his sinecures was that of "sweeping the church" for which he received well over a pound annually for more than 30 years in which he was succeeded by his son Cornelius for an equally long period. Since slaves appeared in the family at an early date, one wonders if either of them ever touched hand to broom for actual performance of the work.

On 8 Oct. 1714, more than two years after her husband's death, his widow made this conveyance: "Whereas my honored mother Mary Gardner of the Isle of Wight did by her last will and testament give and bequeath unto me Mary Conkling the then wife of Jeremiah Conkling, her daughter all the lands and privileges lying within the bounds and limits of Easthampton that did formerly belong unto my honored father Lion Gardiner and whereas my honored and well beloved husband Jeremiah Conkling of East hampton did by his last will and testament bearing date 8 Nov. 1703 give all the aforesaid lands and privileges to his and my sons Jeremiah, Cornelius, David, Lewis and Ananias, for the prevention of any trouble or contention that may arise hereafter about the premeses in the giving " [I] confirm the will and its terms.

Jeremiah Conkling's will is not found in available records and it seems probable, since the foregoing conveyance is proof that it was probated, that it was entered in the lost "Second Sessions Book" of Suffolk County.

It appears that Jeremiah Conkling and his wife spent nearly all their married life in the house in East Hampton village that

had been the home of Lion Gardiner. The gravestone in East Hampton of Mary wife of Jeremiah Conkling reads: "Here Lyeth Mrs. Mary Conkling wife of Mr. Jeremiah Conkling who died 15 June 1727 aged [illeg.] years." The church record states that she died "aged abt. 89 years, abt. 3 in morning."

Children of Jeremiah² Concklyne and Mary Gardiner:

8. i. MARY³, b. ca. 1658, d. 14 June 1743 ae. 84, g.s. East Hampton. About 1683 she m. THOMAS MULFORD, b. abt. 1656, d. 2 Nov. 1732 ae. 76. His will dated, 14 Feb. 1726/27, pro. 14 Feb. 1732/33, mentions wife Mary, sons Thomas, William, Ezekiel, Lewis and Jeremiah. Also, daus. Rachel Debett (Dibble) and Abiah Hedges. Also, son Ezekiel's 3 children, son Lewis' 2 children. Also, grandson Lewis Mulford and grandau. Jane, dau. of Lewis Mulford, under 18. On 21 May 1670, Japhet, an Indian, testified as to the drowning of John Talmadge: "Two children more can testify to the same effect, Jeremy Miller and Mary Conklin." Thomas Mulford was the son of William Mulford, an original proprietor of East Hampton, and his wife Sarah.
- + 9. ii. JEREMIAH³, b. ca. 1661 (g.s.).
- +10. iii. CORNELIUS³, b. ca. 1665 (g.s.).
- +11. iv. DAVID³, b. ca. 1667 (ch. rec.).
- +12. v. LEWIS³, b. ca. 1673 (g.s.).
- +13. vi. ANANIAS³, b. say 1675.

[To be continued]

ROBERT WALKER OF BOSTON, MASSACHUSETTS

By JOHN INSLEY COPDINGTON, of Olivet, Michigan

In the *New England Historical & Genealogical Register*, vol. 7 (1853), p. 46, there appears the following deposition by Robert Walker of Boston:

Robert Walker of Boston, Linnen webster, aged about 72 years, testi-
fieth vpon oath:—That he, this deponent, about 56 years since, liueing
with his father in the Town of Manchester in Lancashire within the
Realme of England, did then know one Mr Henry Sewall, who liued
at the same Towne and in y^e same streete with this deponent's father,
being his ouerthwart neighbour, and that afterwards the said Mr Henry
Sewall remoued with his family to New England, and there dwelt in
the Towne of newberye, this deponent being well acquainted with him
after his comeing to new England & frequently visited by him: when
his occasions drew him to Boston. And further this deponent [saith]
that Mr Henry Sewall now liueing at newbery, in new England (whom
he hath knowne from his youth) is the only reputed sonn of the
aforesaid named Mr Henry Sewall, sometimes of newbery, deceased:
And that the deponent neuer knew or heard that he had any other
sonn but him: Taken vpon oath 10: aprill: 1679 before Symond
Bradstreet Govr. Daniell Gookin senr Assist. *Vera copia* Attests Hil-
liard Verin Cler.

This deposition was quoted by J. Gardner Bartlett in a note on Henry Sewall of Newbury and Rowley, Mass., in the *Register*, vol. 66 (1912), p. 283. The deposition (of which the original is in the Essex County Court Files) clearly means that Robert Walker of Boston, Massachusetts, linen-weaver (or linen-webster) was living at Manchester, co. Lancaster, about 1623, and that he was about 16 years of age at that time. It is, therefore, a fair assumption that Robert Walker was born at Manchester about 1607, since boys of 16, who were members of the yeoman class, were not likely in those days to have moved far from their birthplaces.

The only Robert Walker who was baptised at Manchester Parish Church (now Cathedral) between 1587 and 1630 was Robert, son of Thomas Walker of Higher Ardwick in the parish of Manchester, linen-weaver, who was baptised there 21 February 1607/8. This Robert has, without further ado, been identified by several genealogists as the Robert Walker, linen-weaver, who settled at Boston by 1631. It is entirely possible—perhaps even probable—that the identification is correct. Thomas Walker of Higher Ardwick was a linen-weaver, and so was Robert Walker of Boston. The date of baptism is in perfect agreement with the age of Robert Walker as given in the deposition. But there is still a difficulty, and rather a big one. In the deposition of 1679, Robert Walker stated positively that he was living at Manchester about 1623 *with his father*. Thomas Walker of Higher Ardwick died considerably earlier than that, and was buried at Manchester on 26 February 1611/2. There is the rub!!

Moreover, Margaret Bardsley, first wife of Thomas Walker, and mother of most of his children, including Robert, had died soon after 11 February 1609/10, when her youngest child, John, was baptised. Thomas Walker married secondly, probably early in 1611, Cicely ———, who was his widow and executrix, and who bore him a posthumous child, Michael, baptised 1 March 1611/2. Cicely (——) Walker must have taken charge of her four surviving step-children, Thomas, Margaret, Robert and John Walker, for they were all very young. Cicely remarried at Manchester on 30 April 1614 Robert Buersell *alias* Percivall, and it is possible that she brought into his household not only her own child Michael, but also her step-children, Thomas, Margaret, Robert and John. The question is, was Robert Buersell *alias* Percivall the man to whom Robert Walker of Boston referred as “father” in 1679? Actually, he would have been Robert Walker’s step-step-father.

Some extracts from English records which illustrate this problem are given herewith, followed by a pedigree of the Walker family in the usual form.

PROBATE RECORDS

Abstract of the Will of THOMAS BARDSLEY of Over Ardwicke in the parish of Manchester, co. Lancaster, husbandman, dated 1 October 1587: To be buried in the p̄ishe Church of Manchester. My debts to be first paid, then all my goods &c shalbe devided into three equall partes whereof one part I reserve to myself, the second parte I give to Margret my wyffe for her sole use for ever, the third p̄te I give to my children John, Thomas, ffrances, Michaell, Robert, Margrett & Cicellie Bardsley to be equallie devided amongst them. I give to Thomas Seddon my godson 6*d*. I will that my Mr Mr John Mullinex Esqre be good to my wyffe & children & that they may occupie & enjoye my Messuage or tenēte. I take it that Roger Sonndiforth of Blacksley owes me for a horse £2-6-8. All my legacies & funerall expenses to be taken forth of my parte of goods & the residue I give to my wyffe Margrett for ever. I make Margrett my wyffe & John Bardsley my sone E^xors & my frends Thomas Bamford & Thomas Shelmerdyne Overseers. (Signed by mark). Witnesses: Thomas Bamford, Thomas Shelmerdyne, Thomas Birche.

Addendum to the Will:

Debts weh I owe:

Im̄p̄mis to Henrie Woralls wife	13 <i>s</i> . 4 <i>d</i> .
To Thomas Birche mercer	£2 - 6 - 8
To James Shelmerdyne	4 - 0
To Robert Blomley	2 - 0
To Roger Sonndiforth	13 - 6 - 8

Debts owing unto mee:

Im̄p̄mis Rodger Sandiforth for a horse	2 - 6 - 8
& he owes me that I have paid to Richard Nugent	1 - 10 - 0
also that I have paid to James Radcliffe mercer	8 - 6
also more that John Myson lent him	6 <i>d</i> .
Item for shope rent	6 - 8
Item Mr Thomas Becke oweth me	7 - 8
Item James Fletcher & John Fletcher of Bradford oweth me	2 - 2 - 6
Item John Barrocloughe	16 - 0
Item Edmond Seddon	5 - 6
Item more to Rodger Sonndiforth for keeping of a horse	5 - 0

Will proved at the Consistory Court of Chester 10 October 1587 by John Bardsley, one of the E^xors. Power reserved for the other E^xor. within named.

Abstract of the Inventory of the goods & chattels of Thomas Bardsley, dated 8 October 1587. Apprysed by Hugh Thorpe, Thomas Beleye, Thomas Bamford, Thomas Shelmerdyne (mentions *inter alia*):

Itm. in Pewter	15 - 0
Itm. in Brasse	4 - 2 - 0
Itm. in Apparell	1 - 6 - 8

Abstract of the Will of THOMAS WALKER of Higher Ardwicke in the parish of Manchester & co. of Lancaster, Lynnenweaver, dated 20 February 1611 [1611/2]: To be buried in the parishe Church yarde at Manchester. My debts &c. to be first paide. Then all my goods &c. tackes & leases &c. shall be devided into three equall partes one p̄te to my selfe the second p̄te for Cicellie nowe my wiffe & the third p̄te to be equallie devyded amongst my foure children & that which is now in ventre-la-mere, share & share alike. I give to Rob'te Walker sone of my brother Rob'te Walker [and] my godson, 12*d*. I give to Margaret daugr of James Buardsell my brother in lawe [and] my goddaugr, 12*d*. After my funeral expences &c. are paid All the rest of my goods I give to be equally devyded amongst my two yongest children & that which is in ventre-la-mere, share

& share alike. All my children to be under the Tuition of my nowe wife Cyecalie until they attain 21 years or marriage, but if my said wife marry or misbehave &c. the Tuition to be under the Governmte of Rob'te Harryson of Manchester my brother in lawe, until they attain 21 years or marriage, &c. I make my wife Cyecalie & the saide Rob'te Harrisone my brother in lawe Exors & Ambrose Birch my Landlorde & my brother Rob'te Walker Overseers. (Signed) THOMAS WALKER. Witnesses: Ambrose Byrche, Rob'te Walker, Richard Hudson, Nycholas Harteley, Rob'te Prestwich, Raphe Byrche, Roger Beswycke.

Addendum to the Will:

Debtes owing to me:

Impmis of Raphe & Edward Jepsone	1 - 19 - 0
Itm. of Raphe Shelderdyn of Chorlton	6 - 5 - 4
Itm. of James Bewardsell my brother in lawe	3 - 6 - 8
Itm. of Thomas Bardsley my brother in lawe	1 - 10 - 0
Itm. of John Bardsley my brother in lawe	1 - 8 - 0
Itm. of Margaret Stringfellowe for apples	5 - 0
Itm. more of John Bardsley	14 - 6
Itm. I owe to my children, Thomas, Rob'te, John and Margaret, £2-13-4 that came to them from my wife Margaret their mother, & it is my will that Cicelie my nowe wife shall employ the same for their benefit &c.	

Will proved at the Consistory Court of Chester 16 April 1612 by the Exors. within named.

Abstract of the Inventory of the goods & chattels of Thomas Walker, dated 27 February 1611 [1611/2]. Apprysed by Richarde Hudson, Nicholas Hartley, Rob'te Prestwich, Richarde Percywall (mentions *inter alia*):

Itm. Pewter	2 - 8 - 4
Itm. Brasse Potts &c.	2 - 14 - 6
Itm. one taeke of a house barne orchard garden eylinge & meadow, taken of Ambrose Byrche	13 - 0 - 0
Itm. a taeke in John Bardsley his ground called the feilde at dore nere the house & the meadowe by bonde dated 16 October 1607	2 - 0 - 0
Itm. Adam Walworke by his bonde	1 - 12 - 0
Itm. in the tente of John Bardsley in the closes called the Megshalte, the lower blacklande, ye barne crofte & ye Rughe field, ye halfe of £35-6-8	17 - 3 - 4
Itm. in Silver	12 - 13 - 10
Itm. in clothes	15 - 17 - 0
A debte dedeed owes to Willm Bolton & Henrye Tympley	9 - 0 - 0

Abstract of the Will of ROBERT HARRISON of Manchester Co. Lanes. Linnen Webster, dated 29 January 1638 [1638/9]: After my debts & funeral expences &c. are paid, all my goods &c. whatsoever to be divided into three equall parts, one part I reserve to my selfe, the second parte I give to my wife Anne Harrison, & the other parte I give equally to my two sons James & George Harrison provided they pay what they owe to me first otherwise they are to have only 12*d*. I give to my daughter in law Anna Harrison Widow late wyfe to my sone Robarte dedeed 40*s*., and 40*s*. apiece to her three children. I give to my sone James his four children 40*s*. apiece. I give to John Moors son of my servante William Moores weh. I am godfather & great unckle unto 20*s*. To Elizabeth wyfe of Roger Stable weh. I am godfather & unckle unto 5*s*. To every other godechild 2*s*. apiece. I give to my said sone James all my apparell linnen & woollen except my best cloake weh. I give unto my wife Anne. Whereas I hold by lease one Messuage or tente in Manchester & also one meadow of lande in Manchester I do give the same unto my wyfe she paying ye yearly rents &c. for same. I make my wife Anne Harrison Sole Executrix

& desire my landlord Mr John Hartley & my friend Mr Thomas Lancashire to be supervisors. (Signed) ROBERT HARRISON. Witnesses: Thomas Wood, Robart Shelmerdine, John Leigh. Proved in the Consistory Court of Chester 5 September 1639 by Anne Harrison the Sole Executrix.

Abstract of the Inventory of the goods & chattels of Robert Harrison, undated. Apprysed by Thomas Braddoeke, Raphe _____ (torn), Robart Turner and Richard Sherdley (mentions *inter alia*):

Itm. 88 lbs. of Pewter	4 - 8 - 0
Itm. 97 lbs. of Brasse	3 - 0 - 8
Itm. one Silver Bowle & 10 Silver Spoones	4 - 0 - 0
Itm. Ready Money	34 - 10 - 9
Itm. debts owing	24 - 15 - 0
Itm. his apparell	8 - 0 - 0
&c &c	
totall	£274 - 12 - 6

ENTRIES FROM THE PARISH REGISTERS OF ST. MARY'S PARISH
CHURCH (NOW CATHEDRAL), MANCHESTER,
CO. LANCASTER*

WALKER

Baptisms

- 1601 Thomas son to Thomas Walker, 19 April.
- 1602 Elizabeth daughter to Thomas Walker, 16 January (1602/3).
- 1604 Alice daughter to Robert Walker, 7 July.
- 1604 Margret daughter to Thomas Walker, 27 January (1604/5).
- 1606 John son of Thomas Walker of Ardwick, 23 November.
- 1607 Robert son of Thomas Walker of Ardwick, 21 February (1607/8).
- 1609 John son to Thomas Walkr of Ardwicke, 11 February (1609/10).
- 1611 Michaell son to Thomas Walkr of Ardwicke deceased, 1 March (1611/2).
- 1612 Anne daughter to Robte Walkr of Droilesden, 30 August.
- 1636 John son to Michaell Walker of Ardwicke, 2 April.

Marriages

- 1597 Robert Harryson & Anne Walker *istius*, 3 August.
- 1608 Robert Walker & Katheryn Persyvall, 25 July.
- 1614 Robte Percivall & Cislle Walkr p Licence, 30 April.
- 1635 Michaell Walker & Mary Hulme, 24 June.

Burials

- 1596 Thomas Walker, 10 September.
- 1602 Elizabeth daughter to Robert Walker, 19 December.
- 1603 Anne daughter to Robert Walker, 31 January (1603/4).
- 1604 Elizabeth daughter to Thomas Walker, 22 May.
- 1605 Alice the daughter of Robart Walker, 11 February (1605/6).
- 1606 Alice wife of Robert Walker of Drilsden, 10 December.
- 1608 John son of Thomas Walker of Ardwick, 7 April.
- 1609 Katheryn wife of Robte Walker of Drilsden, 27 March.
- 1611 Thomas Walkr of Higher Ardwicke Lynnen Webstr, 26 February (1611/2).
- 1623 Robert Walker of Droylesden, 30 December.

* Lancashire Parish Register Society, vols. 31, 55, 56: *The Registers of the Cathedral Church of Manchester, 1573-1653.*

HARRISON

- 1597 Robert Harryson & Anne Walker *istius, married*, 3 August.
 1598 Katherine daughter to Robert Harrysone, *buried*, 24 January (1598/9).
 1599 James son to Robert Harrysonne, *baptized*, 16 December.
 1601 Elizabeth daughter to Robert Harrisonne, *baptized*, 31 January (1601/2).
 1602 John son to Robert Harrysonne, *baptized*, 30 May.
 1604 Robert son of Robert Harrisone, *baptized*, 15 July.
 1606 George son of Robert Harryson of Manchestr *baptized*, 21 September.
 1624 James Harison & Elizabeth Beswicke, *married*, 1 November.
 1625 Robarte son to James Harrison of Manchester, *baptized*, 11 September.
 1627 Elizabeth daughter to James Harrison of Manchester, *baptized*, 1 January (1627/8).
 1630 Elizabeth daughter to Robarte Harrison of Manchester, *baptized*, 8 June.
 1630 James Harrison & Margaret Chourton, *married*, 12 October.
 1632 James son to James Harrison of Manchester, *baptized*, 17 March (1632/3).
 1632 Elizabeth daughter to James Harisonn, *buried*, 10 December.
 1634 Alice daughter to Robarte Harrison of Manchester, *baptized*, 21 June.
 1635 Elizabeth daughter to James Harrison of Manchester, *baptized*, 29 June.
 1635 James son to James Harrisonne of Manchester, *buried*, 23 November.
 1637 John son to James Harrison of Manchester, *baptized*, 17 December.
 1639 Robert Harrison of Manchester howsehowlder, *buried*, 26 May.
 1644 Anne wife to Robart Harrison of the Fenelstreete, *buried*, 17 January (1644/5).
 1645 Ann daughter to James Harrison of Manchester, *buried*, 31 August (plague).
 1645 James Harrison of Manchester, *buried*, 21 September (plague).
 1645 The wife of James Harrison of Manchester, *buried*, 25 September (plague).

BUERDSELL

- 1586 James Buerdsell & Alice Shelmerdyne, *married*, 14 August.
 1599 James Buerdsell & Cisley Bardsley, *married*, 20 January (1599/1600).
 1600 Cicely daughter to James Buerdsell, *baptized*, 25 March.
 1600 Cicely daughter to James Buerdsell, *buried*, 28 March.
 1601 Katherine daughter to James Buerdsell, *baptized*, 30 May.
 1603 Alice daughter to James Buerdsell, *baptized*, 11 September.
 1604 Margret daughter to James Buerdsell, *baptized*, 22 February (1604/5).
 1616 James Burdsell of Ardwicke, *buried*, 29 March.

CHESTER MARRIAGE LICENSE*

- 1614 Robert Buersell *alias* Percivall and Cecily Walker, widow. Bondsman, William Wood. At Manchester. 28 April.

* Lancashire and Cheshire Record Society, 1907: *Chester Marriage Licences*, vol. 1 (1606-1616), ed. by Wm. Fergusson Irvine, p. 150.

THE WALKER FAMILY

1. ——— WALKER, presumably of the parish of Manchester, co. Lancaster, had at least the following children:

2. i. THOMAS.
- ii. ROBERT, of Droylesden in the parish of Manchester; bur. at Manchester 30 Dec. 1623. He was an overseer and witness to the will of his brother Thomas, 20 Feb. 1611/2. He m. (1) ALICE ———, who was bur. at Manchester 10 Dec. 1606. He m. (2) at Manchester, 25 July 1608, KATHERINE PERCIVAL, who was bur. at Manchester 27 March 1609. He m. (3) before Aug. 1612

Children by first marriage:

1. Elizabeth, bur. at Manchester 19 Dec. 1602.
2. Anne, bur. at Manchester 31 Jan. 1603/4.
3. Alice, bap. at Manchester 7 July 1604; bur. there 11 Feb. 1605/6.

Child by third marriage:

4. Anne, bap. at Manchester 30 Aug. 1612.
- iii. ANNE, b. perhaps ca. 1575; bur. at Manchester 17 Jan. 1644/5. She m. at Manchester 3 Aug. 1597 ROBERT HARRISON, of the Fennel Street, Manchester, linen-webster, who was probably b. at Manchester about 1570, and was bur. there 26 May 1639. He was one of the executors of the will of his brother-in-law, Thomas Walker, the testator of 1611. Robert Harrison's own will was dated 29 Jan. 1638/9, and proved 5 Sept. 1639 by his widow and executrix, Anne (Walker) Harrison.

Children (surname Harrison), baptized at Manchester:

1. Katherine, d. in infancy, and bur. at Manchester 24 Jan. 1598/9.
2. James, bap. 16 Dec. 1599; d. of the plague, and was bur. at Manchester 21 Sept. 1645; m. (1) at Manchester 1 Nov. 1624 Elizabeth Beswicke; m. (2) at Manchester 12 Oct. 1630 Margaret Chourton, who d. of the plague and was bur. at Manchester 25 Sept. 1645.

Children by first marriage, baptized at Manchester:

- (1) Robert, bap. 11 Sept. 1625.
- (2) Elizabeth, bap. 1 Jan. 1627/8; bur. 10 Dec. 1632.

Children by second marriage, baptized at Manchester:

- (3) James, bap. 17 March 1632/3; bur. 23 Nov. 1635.
- (4) Elizabeth, bap. 29 June 1635.
- (5) John, bap. 17 Dec. 1637.
- (6) Anne, d. of the plague, like her parents, and was bur. at Manchester 31 Aug. 1645.
3. Elizabeth, bap. 31 Jan. 1601/2; d. without issue before her father made his will in 1638/9.
4. Robert, bap. 15 July 1604; d. before his father made his will in 1638/9; m. Anna ———, who was living in 1638/9, when she received 40s. from her father-in-law, Robert Harrison.

Children:

- (1) Elizabeth, bap. at Manchester 8 June 1630.
 - (2) Alice, bap. at Manchester 21 June 1634.
 - (3) Another child. The will of Robert Harrison in 1638/9 mentions the three children of the testator's deceased son Robert.
5. George, bap. 21 Sept. 1606; d. without issue before his father made his will in 1638/9.

2. THOMAS WALKER of Higher Ardwick in the parish of Manchester, co. Lancaster, linen-weaver or linen-webster, the testator of 1611, was probably born in the parish of Manchester about 1570, and was buried at Manchester 26 February 1611/2. He married (1) about 1600 MARGARET BARDSLEY, daughter of Thomas Bardsley of Higher Ardwick in the parish of Manchester, husbandman, the testator of 1587, probably by his wife Margaret. Margaret (Bardsley) Walker was probably born in the parish of Manchester about 1575, and died there shortly after the birth of her son John, who was baptized 11 February 1609/10. Margaret (Bardsley) Walker apparently inherited £2 13s. 4d. from the estate of her father, Thomas Bardsley, and this sum was entrusted to her husband, Thomas Walker, and then bequeathed by him in 1611 to his and Margaret's four surviving children. Thomas Walker married (2) in 1611 CICELY —, who was the mother of his posthumous child, Michael. She and ROBERT BUERSELL *alias* PERCIVALL received a license to marry on 28 April 1614, and were married at Manchester 30 April 1614. It is conjectured that Robert and Cicely may have cared not only for Cicely's child, Michael Walker, but also for the four surviving children of Thomas and Margaret (Bardsley) Walker, namely, Thomas, Margaret, Robert and John Walker. Cicely (—) (Walker) Buersell *alias* Percivall was buried, as "Cisley wife of Robart Parcivall of Manchester," at Manchester, 5 October 1623.

Children by first marriage, baptized at Manchester:

- i. THOMAS, bap. 19 April 1601.
 - ii. ELIZABETH, bap. 16 Jan. 1602/3; bur. at Manchester 22 May 1604.
 - iii. MARGARET, bap. 27 Jan. 1604/5.
 - iv. JOHN, bap. 23 Nov. 1606; bur. at Manchester 7 April 1608.
3. v. ROBERT, bap. 21 Feb. 1607/8.
vi. JOHN, bap. 11 Feb. 1609/10.

Child by second marriage, baptized at Manchester:

- vii. MICHAEL, bap. 1 March 1611/2; married at Manchester 24 June 1635 MARY HULME.

Child, baptized at Manchester:

1. John, bap. 2 April 1636.

3. ROBERT¹ WALKER (*Thomas*), baptized at Manchester 21 February 1607/8, is the man whom we suppose to be identical with the Robert Walker, linen-weaver or linen-webster, who settled at Boston, Massachusetts, by 1631. The one fact which causes some doubt to be thrown on the identification has been set forth in the first part of this article. Robert Walker of Boston joined the Church in that town in 1632, became a freeman on 14 May 1634, and was a founder of the Old South Church at Boston in 1669. He owned a house and garden in Boston, bounded by the land of Thomas Snow on the east, the common on the north, the High Street [Washington Street] on the south, and the land of William Brisco on the west. He also owned a garden, bounded by the land of William Talmage on the east, the High Street on the north, the land of John Cranwell on the west, and the land of Jacob Eliot on the south.* On 10 April 1679, Robert Walker of Boston testified that he was aged about 72, and that he had known Mr. Henry Sewall at Manchester about 56 years previously. Robert Walker died at Boston 29 May 1687, and was buried 31 May 1687, and letters of administration were granted to his widow Sarah Walker, on 17 August 1687.

Robert Walker was married, probably at Boston, about 1635, to SARAH, whose maiden name was very likely LEAGER, and who was probably the daughter of Jacob or James and Margaret (Grimwood) Leager, of Hadleigh and Kersey, co. Suffolk, and sister of Jacob Leager of Boston.† Sarah was probably born between 1610 and 1617, and died at Boston 21 December 1695. She was appointed administratrix of her husband's estate in 1687.

Children, born at Boston:

- i. ELISHUA^a (a girl, sometimes called ELIZABETH), b. 14 Feb. 1635/6; m. at Boston 12 Dec. 1660 BENJAMIN THURSTON, son of John and Margaret Thurston of Wrentham, co. Suffolk, and Dedham, Mass. He was b. at Dedham 8 of 5th. month (July†) 1640, and bapt. there 15 of 7th. month (Sept.‡) 1640. He d. of smallpox at Boston 10 Nov. 1678.‡ He was made a freeman in Boston 3 May 1665, and he and his wife were, like Robert Walker, original members of the Old South Church in 1669. He was made an Ensign of the train band in 1675.

Children (surname *Thurston*), born at Boston:

1. Mary^a, b. 24 April 1662.

* *Boston Book of Possessions*, pp. 33, 62.

† For a discussion of the Walker-Leager connection, see John Insley Coddington, "The Family of Jacob Leager of Hadleigh and Kersey, co. Suffolk, and Boston, Massachusetts," *THE AMERICAN GENEALOGIST*, vol. 19, pp. 195-6.

‡ Brown Thurston, *Thurston Genealogies, 1635-1892*, 2d ed., (Portland, Me., 1892), p. 357, assumes that 5th. month means May and 7th. month means July, ignoring the change from Old Style to New Style calendar. Thurston also mixes up the children of Benjamin and Elishua (Walker) Thurston, and makes Mary and Eleazer twins, which they definitely were not, and he leaves Robert out altogether.

2. *Robert*, bapt. 27 April 1662. Mary and Robert may have been twins, or a son may have been recorded erroneously as "Mary" in the birth records, and then baptized correctly as Robert.
 3. *Mehitable*, d. at Boston 15 Nov. 1663.
 4. *Eleaser*, b. 2 March 1664/5.
 5. *Mehitable*, b. 11 Nov. 1666.
 6. *Mary*, b. 11 Feb. 1667/8.
 7. *John*, b. 15 March 1669/70.
- ii. **ZECHARIAH** (Rev.), b. 15 Sept. 1637; d. at Woodbury, Conn., 20 Jan. 1699/1700. He was a "debitor" (student) at Harvard College from 10 April 1653 to 9 Jan. 1654/5, and he was one of 17 students who left the college on the latter date, probably in protest against the lengthening of the course for the degree of Bachelor of Arts from 3 to 4 years.* In 1662, he was chosen to serve as the first minister of the newly-organized church at Jamaica, L. I. He may have had to preach at first in the ordinary, or inn, kept by John Baylie at Jamaica. On 14 Feb. 1662/3, Mr. Walker's salary was fixed at £60 a year, but since money was scarce, most of the salary was paid in wheat at 6s. a bushel and Indian corn at 3s. 6d. a bushel. The town of Jamaica built the first meeting-house, 26 feet square, in 1663, and there Mr. Walker preached till he left Jamaica in 1668. He was "a man of solid attainments, well-educated and sound in doctrine, a pungent and powerful preacher and greatly beloved by the people he served. The Jamaica people were so well-disposed toward him that they offered to cut and haul his wood, cultivate his ground and harvest his corn. In addition, they agreed to give him a deed to the minister's house and home-lot, on condition that he procured ordination and remained as permanent pastor."† For some reason, Mr. Walker did not comply with the desires of the townsfolk of Jamaica, and did not then procure ordination for himself. The result was that he could only preach, and was not allowed to baptize infants. This unsatisfactory state of things was brought to an end about 7 Aug. 1668, when he left Jamaica and became the pastor of the Second Church at Stratford, Conn., where he remained till 1678. He was ordained minister of the Second Church at Stratford 5 May 1670, and thereafter could baptize as well as preach. He removed to Woodbury with the first settlers of that town in 1678, and became the first minister there, and remained there till his death.‡ Rev. Zechariah Walker m. (1) about 1669 MARY PRUDDEN, daughter of the Rev. Peter Prudden, minister of Milford, Conn., by his second wife, Joanna (Boyse), and sister of Abigail Prudden, who m. Joseph Walker (*see below*), and of the Rev. John Prudden, who succeeded Rev. Zachariah Walker

* John Langdon Sibley, *Biographical Sketches of Graduates of Harvard University*, vol. 1, 1642-1658 (Cambridge, Mass., 1873), p. 567.

† George Woodruff Winans, *The First Presbyterian Church of Jamaica, N. Y., 1662-1942* (Jamaica, L. I., N. Y., 1943), pp. 11, 12, 13, 18. This is the most extensive biography of the Rev. Zechariah Walker in print. It is marred by one slight error—his date of birth is given as 15 July 1637, when it should be 15 Sept. 1637.

‡ Additional material on the Rev. Zechariah Walker will be found in William Cothren, *History of Ancient Woodbury, Conn.*, 2 vols. (Waterbury, Conn., 1854), pp. 33, 43, 51, 66, 121, 124, 130, 131, 133, 134, 474, 744; Donald Lines Jacobus, *History and Genealogy of the Families of Old Fairfield, Connecticut*, vol. 1 (Fairfield, Conn., 1930), pp. 637-8; Benjamin Franklin Thompson, *History of Long Island*, vol. 2, p. 101; J. H. Trumbull, *Public Relations of Connecticut*, vol. 2, pp. 111, 124.

as the second minister of Jamaica in 1670.* Mary Prudden was bapt. at Milford 4 Dec. 1641, and d. before 6 Nov. 1681, when her mother, Mrs. Joanna (Boyse) (Prudden) (Willett) Bishop made her will. He m. (2) SUSANNA ROSSITER, daughter of Dr. Bryan Rossiter and his wife Elizabeth, of Guilford and Windsor, Conn. She was b. at Guilford 18 Nov. 1652, and d. at Woodbury 26 April 1710.

Children by first wife, born at Stratford:

1. *Zechariah*³, bapt. 22 May 1670; d. at Woodbury 21 Dec. 1753; Deputy from Woodbury to the Conn. General Court, May 1720; Deacon of the Church at Woodbury; m. about 1689 Elizabeth Minor, daughter of John and Elizabeth (Booth) Minor of Stratford and Woodbury. She was b. 16 Jan. 1667 and d. at Woodbury 19 Dec. 1749. Nine children.
2. *Abigail*, bapt. 22 May 1670; d. young.
3. *Elizabeth*, b. 1 March 1673/4; d. at Woodbury 22 March 1741; m. Samuel Bull. No issue.
- iii. JOHN, b. 22 Sept. 1639; d. at Boston 22 July 1652.
- iv. SARAH, b. 15 Nov. 1641.
- v. JACOB, b. 21 March 1643/4; lived at Stratford and Woodbury, Conn. He m. at Stratford 6 Dec. 1670 ELIZABETH (WHEELER) BLACKMAN, daughter of Moses Wheeler of Stratford, Conn., and widow of Samuel Blackman of Stratford. She was b. at Stratford 6 Aug. 1642, and m. her first husband in the latter part of Nov. 1660. He d. at Stratford 27 Nov. 1668. Elizabeth had had four children by her first husband, and she and Jacob Walker had seven more: Samuel, Moses, John, Elizabeth, Mary, Mercy and Jacob.
- vi. JOSEPH, bapt. 19 July 1646, "aged about 5 days;" d. at Stratford, Conn., in 1687. He removed from Boston to Connecticut in 1667 or earlier. The inventory of his estate was dated 19 Nov. 1687. He m. at Milford, Conn., 14 Nov. 1667, ABIGAIL PRUDDEN, daughter of the Rev. Peter and Joanna (Boyse) Prudden, and sister of Mary Prudden, who m. the Rev. Zechariah Walker (see above). Abigail was bapt. at Milford 13 Feb. 1647/8, and d. at Stratfield, Conn., about Jan. 1717/8. She m. (2) by contract dated 16 April 1668, Sergeant Richard Hubbell of Fairfield, Conn., who was b. in England (perhaps at or near Bewdley, co. Worcester) about 1627, and d. at Stratfield 23 Oct. 1699. Joseph and Abigail (Prudden) Walker had six children: Robert, Sarah, Abigail, Joseph, Joanna and Mary. Of these, Abigail was b. at Stratford 18 Feb. 1671/2, m. about 1687-8 John⁴ Bostwick of Stratford and New Milford, Conn. He was a son of John and Mary (Brinsmade) Bostwick, and a grandson of Arthur Bostwick, Bostick or Bostock, of Tarporley, co. Chester, and Stratford, Conn.[†]
- vii. THOMAS (twin), bapt. 22 April 1649, "aged about 10 days."
- viii. MARY (twin), bapt. 22 April 1649, "aged about 10 days;" d. young.

* For the Prudden connections, see Lilian E. Prudden, *Peter Prudden* (New Haven, Conn., 1901), *passim*; Jacobus, *Families of Old Fairfield*, vol. 1, p. 494; George Clarke Bryant, "The Prudden-Burr Connection," *New England Historical & Genealogical Register*, vol. 84 (1930), pp. 63-4; S. Allyn Peck, "Reverend Peter Prudden, Pastor and Founder of Milford, Connecticut, and his English Ancestry," *THE AMERICAN GENEALOGIST*, vol. 16, pp. 1-28, 122-3, and 177-9, and vol. 17, pp. 32-5; and John Insley Coddington, "The Mother-in-law of the Reverend Peter Prudden with a Pedigree of the Boyse Family," *ibid.*, vol. 19, pp. 135-41.

† For the Bostwick connection, see John Insley Coddington, "Additions and Correction to the Bostwick Genealogy," *THE AMERICAN GENEALOGIST*, vol. 14, pp. 216-222.

- ix. TIMOTHY, bapt. 1 Sept. 1650.
- x. ELIAKIM, b. 3 July 1652; bapt. 4 July 1652; d. 30 Sept. 1654, at Boston.
- xi. MARY, b. 1 Nov. 1654; bapt. 5 Nov. 1654.
- xii. JOHN, b. 14 July 1656; bapt. 20 July 1656; d. at Boston between 13 Dec. 1678 (the date of his will) and Feb. 1678/9 (the date of probate). He m. at Boston, about 1676, HANNAH LEAGER, who was most probably his first cousin. She was the youngest daughter of Jacob Leager by his third wife, Ann (Blake), and she was b. at Boston 14 Nov. 1655, and bapt. there 25 Nov. 1655, and d. there 13 Oct. 1690. After John Walker's death, Hannah m. (2) before Feb. 1682/3 Thomas Phillips of Boston, innholder, who d. between 25 Dec. 1725 (the date of his will) and 9 May 1726 (the date of probate). John and Hannah (Leager) Walker had issue one child, Hannah, b. at Boston 25 April 1677, received a bequest from her great-uncle John Blake, 10 Jan. 1688/9; living unmarried in Boston 21 Aug. 1704.*

WODHULL, ODELL AND CHETWODE

A Discursive Study of these Families in Connection with the American Immigrants, Richard Wodhull, William Odell, Mary (Odell) Turney, Grace (Chetwode) Bulkeley, George Elkington, Hon. William Smith, Col. Matthias Nicoll, Ursula (Wodell) Woolley, and William Wodell.

By DONALD LINES JACOBUS, M.A., of New Haven, Conn.

The gentry family which possessed the manor of Odell for several centuries goes back to the Norman Conquest, and took its name from the parish of Odell in Bedfordshire, anciently known as Wahull and later as Wadhul, Wodhull, and other variant forms. That the name Wodhull was corrupted to Odell may seem strange, but the two forms sound very similar when Odell is pronounced (as it was sometimes spelled in early records) Odle, with the accent on the first syllable. Few English families have produced so many American colonists, actual, possible, and alleged, as the family of Wodhull (Odell).

The survey of land holdings in 1086 (Domesday Book) shows the holder of the Wahull lands at that date to have been Walter le Fleming. This appellation means that his family was from Flanders, roughly the modern Belgium. Use of the latinized form, "Flandrensis," has sometimes caused misconceptions and induced the belief that he was a member of the ruling family of Flanders. One statement, in fact, has been seen that he was a brother of Matilda of Flanders, the queen of William the Conqueror; and as if this were not enough, "a connection is established" between the Counts of Flanders and "Priam of Troy"—

* Coddington, *Family of Jacob Leager*, THE AMERICAN GENEALOGIST, vol. 19, p. 197.

a mere leap of close to two thousand years and perhaps sixty generations. One marvels at the modesty of such a claim, for Priam too had a father, and Greek authorities could be cited who traced Priam back to the immortal Zeus himself.

It is common knowledge among historical scholars that for many centuries during the Dark Ages no records were kept on which any authentic pedigree, bridging that period of time, can be based, and that no extant European family can be traced back of the sixth century of our era. To be sure, lofty pedigrees were later fabricated for the rulers descended from the able and ruthless men who founded dynasties during that chaotic period, but this was done as a matter of prestige, much as the rulers of Japan claim descent from the sun-goddess. There are no contemporary records or documents to substantiate any of them, and no serious historian or genealogist regards them as anything but mythology.

As for the alleged connection of Walter with the Counts of Flanders, no contemporary or near-contemporary chronicler refers to Walter as a member of that family, nor is he named as such in Dr. Brandenburg's great work, *Die Nachkommen Karls des Grossen* (Leipzig, 1935), which is replete with references and annotations to support his statements and conclusions.

There is, indeed, good reason to believe that Walter was son of Saier, who died before Domesday and was succeeded by Walter at Southill, co. Bedford, and he is so given in *Beds. Hist. Record Society Pub.*, 10: 266-268, and pedigree 6. This is also the conclusion of S. H. Lee Washington in *The Early History of the Stricklands of Sizergh* (Boston, 1942), pp. 67-75. After noticing that "the origin of the lords of Wahull has never been ascertained," he points out that the original Saier (d. before 1086) had a brother Walter (who would be uncle of Walter of Wahull) mentioned in Domesday Book as lord of Segenhoe, Beds. He then suggests the likely speculation that Saier, the father of our Walter, was a cadet of the d'Oisi family. The hypothesis is based on Walter's known Flemish origin and on the remarkable correspondence of given names, such as Walter and Saier, in the two families.

It is not generally understood how little documentary evidence exists for the building of connected pedigrees between 1000 and 1200. This condition in some respects resembles that found in Virginia in the early decades, for often the first two to four generations of Virginia families have to be built on land evidences. In England, parish registers do not go back of the middle of the sixteenth century, and it is rarely possible to trace the general run of families further back than about 1490-1500. Land was owned by the aristocracy and descended from eldest son to eldest son. If the feoffee died without issue, the next

brother or nearest heir succeeded. If the feoffee had no sons, but female issue, an only daughter was sole heiress, while several daughters shared the estates. When we read that an old family "ended in an heiress," only the landed eldest line is meant, and there may have been younger but often unpropertied male branches who mostly are untraceable because the records of the early period are concerned with the ownership and inheritance of landed estates.

The early generations of gentry families back of 1200, as given in county histories and other compilations, are often built on the mention of feoffees of the same estates at intervals, and these names have been strung together in generation sequence. A study of the dates will sometimes indicate that intervening generations have been omitted, as with the Chetwode pedigree which the present writer included in *The Bulkeley Genealogy* (New Haven, 1933), pp. 55-58, but with the expressed warning that the earlier generations could not be accepted as entirely correct.

Research in the primary sources may at times enable the student to rectify the early part of gentry pedigrees as heretofore published and accepted. But frequently the contemporary documents are too meagre to provide much additional information. However, because of *land tenure*, the student of mediaeval families may often be satisfied that a gentry family goes back earlier than can be proved by strict generation sequence. That is because we are dealing with land ownership, which descended through the eldest male line, and we know that each owner had to make proof of his right of inheritance, even though the records have not come down to us. This is a very different set of circumstances from a mere guess or assumption that one person named Wodhull or Odell descended from an earlier person named Wodhull or Odell, where identity of surname is the *only* evidence and where the inheritance of the same landed estate is not involved.

It is also a very different thing to attempt to prove a line of descent for an early American colonist from a king of England or a Magna Charta baron, because usually such lines go in some generations through younger sons, and invariably they go in some generations through females. Each successive step in such a pedigree has to be proved by competent evidence, because if a single link is false, the entire chain of descent breaks.

The difference will readily be understood by a hypothetical example. Let it be assumed that the feoffee of Wodhull in 1200 was son of the feoffee of Wodhull in 1150. That assumption might or might not be correct. But if not the son, *land tenure* makes it reasonably certain that he was nephew, grandson, or other nearest male heir of the earlier feoffee, and descent from Walter le Fleming remains unquestioned.

As a matter of fact, difference of opinion has existed regarding the precise relationship of the successors of Walter in the early generations following him. Such opinions or conclusions are based on the available primary evidence, and when that evidence is meagre or unsatisfactory all conclusions must be, in a sense, merely tentative. Any true scholar must stand ready to revise his first opinion, if new evidence is brought forward affecting its validity. The article in *Beds. Hist. Record Society Pub.* already referred to was written to correct the early generations as set forth in previous compilations, and references to original sources were given therein. This account, rightly or wrongly, was followed by the present writer in *The Bulkeley Genealogy* (op. cit.), pp. 59-62; rightly, I think, because substantially the same conclusions were published by William Farrer with full citation of documentary sources, in *Honours and Knights' Fees*, 1: 62-69, 262-263; 2: 208, 409, 410; 3: 172.

The successors of Walter le Fleming early became known as 'de Wahull' or Wodhull from the name of their principal fief. The elder line ended in 1542 with an heiress, Agnes, who carried the estates by marriage into the Chetwode family. Her son, Sir Richard Chetwode, whose daughter Grace became the second wife of Rev. Peter Bulkeley of Concord, Mass., claimed the baronial title. The validity of his descent was recognized, but the claim was finally negatived on the technical ground that the Wodhulls in his line of descent had not been summonsed as barons by writ.

Known branches of the Wodhull family still flourished, who of course had no right or claim, by English law or precedent, to the estates or title. The eldest remaining branch, after the death of Agnes's father Anthony, was founded by the latter's half-brother, Fulke Wodhull, who received the manor of Thenford, co. Northampton, of which his grandmother had been the heiress.

A still younger branch, founded by Lawrence Wodhull, uncle of Anthony and Fulke, lived in Mollington, co. Oxford, about five miles from Thenford. It is possible that Richard Wodhull* of Setauket in Brookhaven, Long Island, belonged to this branch. It is certain that he was a member of the historic Wodhull family, because a letter written to him in 1687 by Lord Crewe refers to the Thenford Wodhulls as his cousins, and that contemporary documentary evidence is conclusive.†

It thus appears that all the remaining elder branches of the

* Richard signed his own name Wodhull, but the Brookhaven recorders spelled it Wodhull, Woodhull, Whodull, Woodall, Odell, etc. The American family descended from him eventually settled on the spelling Woodhull.

† A facsimile copy of Crewe's letter appears in the *Woodhull Genealogy* (1904), and an accurate transcription in *One Branch of the Miner Family* (1928), by Lillian L. M. Selleck, p. 204.

family had left Bedfordshire before 1600 and were domiciled on both sides of the border of the adjacent counties of Northampton and Oxford, west of Odell in Bedfordshire, with only Buckinghamshire lying between. In fact, since the acquisition of Warkworth, co. Northampton, resulting eventually from the marriage of Thomas de Wodhull (1389-1421) to Elizabeth Chetwode, the Wodhulls seem to have regarded that as their most important seat.

It remains possible, however, that younger sons in the earlier generations may have left descendants in Bedfordshire and that they became the progenitors of some at least of the numerous Wodells and Odells who around 1600 are found in the parish registers of Cranfield, Salford, and other parishes in Bedfordshire near the border of Buckinghamshire, and even across that border. Whether any individual Odell was descended from the early barons of Wahull, or from ancestors who became known as Odell from the town of their origin during the period when surnames were coming into use, is entirely a matter of speculation. The latter practice was so common that it cannot be brushed aside by any fair-minded investigator.

The most general mistake made by beginners in the field of genealogy is that of identifying surname with family. Admittedly, Wodhull and Odell are variants of the same name, but no contradiction is involved when we say that William Odell of Concord, Mass., and Fairfield, Conn., was not necessarily or even presumptively descended from the ancient Wodhull family. It is no contradiction at all, but a proper distinction between surname and lineal descent. Take the case of a name derived from a trade, such as Smith. Not even a tyro would assume that every Smith descends from one particular family of early Smiths, or that all Millers are of the same lineage. Although place-names did not give rise to such a multiplicity of families with identical surnames as the more common trade-names did, nevertheless families of diverse origin did often derive their surnames from the same place, and it is never entirely safe to make the assumption that a specific family of the name descends from the ancient family which once held the overlordship of that place.

If it could be proved that William Odell owned—or that he descended from an established ancestor who owned—land or estates which once formed a part of the Wahull barony, then on the basis of *land tenure*, already discussed, it might reasonably be *assumed* that he was descended from the ancient Wodhull family, even though intervening generations are missing for want of record. But that is not the case under discussion. Such an assumption, made on surname identity alone, has no more weight than any other uninformed guess.

The only so-called "authority" known to the writer who sug-

gests descent of William Odell from the Wodhull barons is Burke in *Colonial Gentry* (1895), p. 821, and he hardly goes further than to suggest it on the basis of Wodhull and Odell being variants of the same name, and of William Odell's being "the owner of a large estate" in Fairfield. The first statement is true, the second false. The 1670/1 List of Estates and Acres in Fairfield (Schenck's *History of Fairfield*, 1:334) shows "Willm Odell Senr" with an estate of £111.8, and 362 acres. There are 102 land owners in the list, of whom 70 had larger estates and 31 smaller. "Jno. Odell" was listed with an estate of £143.16, and 467 acres; and 52 in the list had larger estates and 49 smaller. If it seems fairer to consider their holdings together, it may be pointed out that at least a dozen families in the list had holdings in the names of more than one member of the family. One of these families was Burr, yet Mr. John Burr and Mr. Jehu Burr each held over 800 acres individually.

The figures are given solely for purposes of comparison. When William Odell died, his estate was appraised at about £441. But the appraisal was on a different basis. Major Nathan Gold appears in the 1670/1 list with an estate of £460.4 and 1500 acres, but at death his estate was valued at about £2,000. In short, Odell had an estate which can be described as good, moderate, or average; but that is not what Burke clearly intended to imply.

The economic and social status of William Odell points to his being a member of the class of English yeomen or tradesmen who constituted the vast majority of New England colonists. Social distinctions were carefully recognized by these colonists, and members of gentry families, like Richard Wodhull, were dignified by the prefix of respect ("Mr." for Master) and often, like Wodhull, held magisterial office. Nothing has been seen in William Odell's career, or in contemporary references to him, to suggest that he sprang at all closely from gentry stock, or to warrant such an inference. His wife was called "Goody Odell" by her neighbors,* and that definitely fixes the social status of her husband.

A few words about Burke may be apropos. Burke is excellent authority for recent generations of peerage and gentry families. For the earlier period, only genealogical novices rely on Burke. If the calendars which contain various classes of records, and which hence are the chief primary sources on which mediaeval pedigrees must be built, are not accessible to the trained genealogist, he relies on the works of Dugdale, of Round, of Cokayne, of Watson, of Farrer, and of other scholars who have used and who quote (as Burke does not) these documentary sources. Their writings are scattered through many books and in articles

* Connecticut Archives, Crimes and Misdemeanors, I: 18a, State Library, Hartford, Conn.

in a number of English journals such as *The Genealogist* and *The Ancestor*. So far as titled families are concerned, the *New Complete Peerage*, begun in 1910 and not yet completed, is the outstanding compilation. Such works on the peerage as those of Collins and Burke have their uses, but it is unsafe to place them in uncritical or inexperienced hands.*

It is a matter of history that the Wheeler, Turney and Odell families were in Concord, Mass., together, and that they belonged to the group which removed to Fairfield, Conn. The Wheeler family has been positively traced to Cranfield, Bedfordshire; Benjamin Turney, later of Fairfield, married Mary Odell of Salford, in the same county; and in 1637 one William Odell was cited for quarreling in the churchyard of Newport Pagnell, co. Bucks.† These places are all within a few miles of each other. To a genealogist familiar with the phenomenon of group migration, these facts are very significant, and their significance becomes compelling when we learn that in 1639 the Archdeacon's Visitation Books enter William Odell of the Newport Pagnell fracas as in New England. The date of emigration is precisely right; and when we add to this the association in New England with the Wheelers and Turneys who came from precisely this region, and the fact that Turney's wife was an Odell, the conviction can scarcely be escaped that William Odell, of Concord, 1639, was identical with William Odell, of Newport Pagnell, 1637.‡

Unfortunately, when Lea and Hutchinson published their discovery in 1913 that William Odell was in Newport Pagnell in 1637, they referred also to the will of Richard Odell, the miller of Newport Pagnell, which named his eldest son William, and made the flat statement that the William of the 1637 record was the son of this Richard. When Mrs. Turney Sharps contributed the records of the Odells of Salford showing the origin of Mary (Odell) Turney, which were published in *The American Gene-*

* Apropos of Burke's *Colonial Gentry*, at the time of its publication a notice appeared in *The Genealogist*, n.s., 12: 66-71, in which the reviewer said: "We have always been willing to acknowledge the great services rendered by Sir Bernard Burke in popularizing genealogical research, services which were, however, unfortunately marred by the uncritical method which he adopted," and added, with regard to this volume, that he found in it "the same loose statements, the same unbridged chasms, and often the same apocryphal legends." In his criticism of specific pedigrees, under *Odell of New Brunswick* he quotes Burke's statement regarding Walter Flandrensis, and comments: "All this may be true, but that William Odell, the founder of a family that emigrated to America in 1639, was descended from Walter Flandrensis and the ancient Barons de Wadhull is another matter. We perceive that Mr. Burke is also of this opinion, for he has refused to recognise the right to coat armour." This refers to the arms adopted by the New Brunswick branch.

† For details, see *ante*, vol. 14, pp. 1-4, 224-228; vol. 15, pp. 55-57; and *New York Gen. and Biog. Record*, vol. 44, p. 118.

‡ It must not be overlooked that a William Wodell was a Wheelwright partisan in Boston in 1637, became one of the founders of Warwick, R. I., and fathered the Wodell family of Portsmouth, R. I. But he was not, like William Odell of Concord, associated in any way with the Bedfordshire group of that town, and the Rhode Island man was already active in this country the same year William Odell was stabbed at Newport Pagnell.

alogist in 1938, we thought it most probable that William and Mary Odell were closely related, but this statement by Lea and Hutchinson stood in the way of a near relationship, and we did not know what further evidence might have been found by them to bear out their conclusion.

However, although deferring to the Lea and Hutchinson conclusion, I did not feel entirely satisfied. About that time, having engaged Miss Lydia M. Marshall* of Newbury, Berkshire, to search the Newport Pagnell registers for a client of mine on a different family, I requested her, at my own separate expense, to copy all the Odell entries between 1600 and 1640. This search revealed the fact that Richard the miller did not marry until 1624 and that his son William was baptized the following year, much too late to be the churchyard brawler who came to New England. Six Odell children named William were baptized at Newport Pagnell in the fifteen years between 1625 and 1640, all too late to be the colonist, and two William Odells were having children baptized from 1629 at least until 1640.

This indicates how very common the name was in the towns along the border of Bedfordshire and Buckinghamshire. But it also removes the obstacle to the theory that the colonist William was closely related to Mary (Odell) Turney. She had three uncles, Richard (bapt. 1581), Thomas (bapt. 1583), and William (b. perhaps about 1585), any one of whom would be suitable in age to be the father of the colonist William. It is therefore quite possible, and most genealogists experienced in Anglo-American work would consider it highly probable, that William Odell of Concord and Fairfield was a first cousin of Mary (Odell) Turney.

Before leaving Newport Pagnell and Buckinghamshire, attention should be called to a Smith family which arrived in New York on 17 Aug. 1715. This consisted of Thomas Smith (1675-1745), his wife Susanna, and their three sons, of whom William (1697-1769) was graduated at Yale College, 1719, was admitted to the New York bar in 1724, and became Attorney General, a member of His Majesty's Council, and Judge of the Supreme Court. He was Zenger's counsel in 1735, in the famous case involving freedom of the press. The family were Loyalists

* Miss Marshall is an able and conscientious searcher, who has done excellent work for many Americans—for those, of course, who think that the proper way to trace one's ancestry in England is to consult primary record sources in England. Her work was recommended to me by Miss Lilian J. Redstone, daughter of the great Suffolk antiquarian and herself a genealogist of note. This statement is made because of the following expressions contained in a circular recently issued by a writer on the Odell family: "He [Jacobus] does not state just what authorities he uses in his work. There are some vague persons, professional genealogists who work for pay in England and we must accept them just because Jacobus says they are authentic." Since the source of the records was stated, verification can readily be obtained by having an independent search of the registers made,—if one cares to pay for the labor, traveling expenses and services involved.

during the Revolution and removed to Canada. Judge William Smith was born at Newport Pagnell, 8 Oct. 1697. His father, Thomas Smith, died in New York City, 17 Nov. 1745; and his mother was Susanna Odell, married in England in 1696, and died there while on a visit, 9 Mar. 1729. She was daughter of Thomas Odell (1651-1698) of Northfield Meadows, Bucks, by his wife, Christina Goodman (d. 1698).*

When it is considered that this Smith family, with an Odell wife and mother, arrived in New York less than forty years after the death of William Odell of Fairfield; that Fairfield is not far from New York and that a son of William Odell had established himself in Westchester County, even closer to that city; and that the Smith family was from Newport Pagnell; it is natural to speculate that the migration of the Smith family was influenced by correspondence with Odell relatives in this country. The dates would permit the father of Susanna (Odell) Smith to be a first cousin of the sons of William Odell. These facts help to confirm the conclusion that William of Fairfield was identical with the man who was mentioned as at Newport Pagnell in 1637, and make it even more likely that his origin will be found in that vicinity.

About three miles south of Newport Pagnell is Willen, ancestral home of the Nicholls family. The great-grandparents of Col. Matthias Nicoll of New York were William Nicholls of Willen, gent, and his second wife, Marian Woodhall. She is described in Visitation pedigrees as daughter of Lawrence Woodhall, gent.† In 1918 the late Frank Allaben published an elaborate article in *The Journal of American History* (vol. 12, pp. 120-168, see also pp. 239-260), treating of the ancestry of Col. Matthias Nicoll, and therein he identified the father of Marian Woodhall with Lawrence Wodhull of Mollington, co. Oxford, a younger son of the baronial Wodhulls.

The will of Lawrence Wodhull of Mollington names a daughter Mary who, although not called Marian, might be the Marian of the Nicholls marriage except that the will of Lawrence's son Fulke commits his sister Mary to the care of his sons, suggesting that she had no sons of her own to care for her. Mrs. DeLancey Nicoll in 1922 in the *New York Gen. and Biog. Record*, vol. 53, pp. 258-261, denied the validity of the Allaben pedigree by citing the will of Lawrence Woodhall of Mydleton Keynes (now Milton Keynes), co. Bucks, dated 28 July 1556, proved 9 Oct. 1556. Since this place is less than three miles from Willen, the home of the Nicholls family, and since the father of Marian was called

* *New York Gen. and Biog. Record*, vol. 11, p. 98; F. B. Dexter, *Yale Biographies*, 1: 207-211. For further facts, we are indebted to G. Andrews Moriarty, Esq., of Ogunquit, Maine, who has corresponded with an English descendant of the Smith family, Mr. Charles Evans, an accomplished genealogist.

† Harleian Society Pub. 13: 63; 38: 94-95.

of co. Bucks in one of the Visitation pedigrees cited, it seems likely that this was Marian's true parentage. The name Wodhull was sometimes spelled Woodhall, but we are not as yet informed as to whether Marian (Woodhall) Nicholls descended from a cadet branch of the baronial Wodhulls or whether these Woodhalls were a distinct family.*

Coming back across the border into Bedfordshire, the late Rufus King, Esq. (1842-1924) published in 1891 in the *New England Hist. and Gen. Register* (vol. 45, pp. 7-12) extracts made by the English scholar, Frederic A. Blaydes, Esq., from the Bishop's Transcripts of Bedfordshire parishes relating to the Odell family. These extracts do not come this side of 1625, hence we cannot expect to find in them the marriage record of William Odell if his marriage occurred in England and on the Bedfordshire side of the border. The extracts appear to cover the Transcripts from 1600 to 1625, but the earliest date given for any entry is 1602, and in Salford, the home of Mary (Odell) Turney, the earliest baptismal date given is 1605. We now know that the original Salford Registers contain Odell entries between 1600 and 1605, which are omitted in the Transcripts. This is mentioned here to give weight to our comment, that the Bishop's Transcripts are often incomplete. The original parish registers also often have gaps which can be supplied from the Transcripts. Hence both sets of records need to be examined to make sure of obtaining all the Odell entries.

Without doing this and carrying the entries back of 1600 and this side of 1625, and obtaining a search of wills, subsidy lists, court rolls and other primary record sources, it is impossible to sort out the entries published into connected family groups. Mr. King later suggested (*ibid.*, vol. 60, p. 91) that the baptism of a "W^m, son of Will^m Wodell of Warleyend" at Cranfield on 24 Feb. 1602 may pertain to the American immigrant. It is possible, though the date is earlier than would be suggested by the prevailing age of men at marriage in those days. But the very frequent occurrence of the name in that region makes any such identification a mere guess and utterly unproved or even buttressed by collateral or circumstantial evidence. Many such guesses have been made in the past on the basis of name identity alone, with regard to many early colonists, and a large number of these guesses have been subsequently disproved, or the immigrant proved to have been some other individual, by exhaustive search of the primary record sources.

*Since this was written, Dr. Arthur Adams has kindly placed in my hands an abstract of the will of Lawrence Woodhall of Myddleton Keynes, made at his solicitation by the eminent English genealogist, A. T. Butler, Windsor Herald. The will is signed Richard Woodwall and indicates that the testator was a yeoman, and it fails to mention a daughter Marian or any daughter by name. For the present, the only conclusion we can reach is that both Col. Allaben and Mrs. Nicoll were guessing, and proof of the identity of Marian Woodhall still remains to be sought.

In all cases of this kind it is not proper to make a positive denial of identity, but neither should a positive assertion of identity be put forward. The sober historian can only remain a sceptic and await the production of evidence. The publication in recent years by Mr. F. G. Emmison of many of the parish registers of Bedfordshire, inclusive of the Bishop's Transcript—Cranfield was published in 1943—should be very helpful to those interested in the Odell family.

Mr. King in 1896 published in the *New York Gen. and Biog. Record* (vol. 27, pp. 52-55, 95-97), the Wodhull entries from 1567 to 1816 in the parish registers of Thenford, co. Northampton. This is the branch of the family to which Richard Wodhull is known to have been related. Here is found the baptism of William Wodhull, a younger son of Mr. Nicholas Wodhull, on 29 April 1585; far too old to be the American William, and by the county history reported lost at sea (a still younger brother succeeded to the manor), but nevertheless avidly seized upon in the past by genealogists whose zeal outweighed their judgment.

It should be emphasized that Mr. King was cautious in his statements and made no positive or reckless claims, with regard to the ancestry of William Odell. He was making an honest effort to determine his origin, and it would seem that later in life, after the Newport Pagnell entries were published, he accepted them as showing the immediate antecedents of the American settler (*ibid.*, vol. 55, p. 201).

One suggestion made by Mr. King, worthy of serious consideration, is that William Odell was brother of Ursula Wodell who married at Concord, Mass., 26 Feb. 1646/7, Christopher Woolley.* This suggestion is reinforced by the fact that Robert Woolley, who could have been brother of Christopher, settled in Fairfield before 1650, later moving to Southampton, Long Island. The Concord-Fairfield connection of the Odell and Woolley families is very significant in view of the Woolley-Wodell marriage at Concord.

Mr. King also published in the *New England Hist. and Gen. Register* (vol. 45, pp. 146-149) the Wodhull entries from the parish of Mollington, co. Oxford, in which the surname was most generally spelled Woodhull. The branch of the family which lived there was, as we have already mentioned, closely related to the main branch of the family at Thenford and indisputably of the baronial family. From this branch certainly descended George Elkington, who settled in New Jersey, and possibly Richard Wodhull of Brookhaven, Long Island. The descent of George Elkington, whose grandmother was a Wodhull, was established by Mr. A. T. Butler of the Heralds' College on behalf

* For some account of the Woolley family, see the *New England Hist. and Gen. Register*, vol. 75, pp. 29-40.

of a descendant, Dr. Arthur Adams, of Trinity College, Hartford, Conn.*

Descendants of the Rev. Peter Bulkeley of Concord, Mass., by his second wife, Grace Chetwode, have a proved descent from the early barons of Wadhull. Her father, Sir Richard Chetwode, was son and heir of Richard Chetwode by his wife, Agnes Wodhull, the heiress of the elder Wodhull line. She had a double Chetwode ancestry, for her remote ancestor, Thomas de Wodhull (1389-1421), married Elizabeth Chetwode, the eventual heiress of the elder Chetwode line, which originated in Chetwode, co. Bucks, and at this time had its chief seat at Warkworth, co. Northampton. Grace's grandfather, Richard Chetwode, who in turn married the Wodhull heiress, was son of Roger Chetwode of Oakley, co. Stafford, descended from a younger branch of the family, and was younger brother of James Chetwode of Oakley and of Warleston, Cheshire, whose sixth lineal descendant, John Chetwode, was created a Baronet (Chetwode of Oakley), 6 April 1700.

The claim has recently been put forward that Grace Chetwode was actually a Wodhull in the male line. This claim is based on a chart which accompanies Oliver St. John Cooper's "Historical Account of the Parish of Odell," published in 1787 in the fourth volume of *Bibliotheca Topographica Britannica*. According to this chart, Grace's great-grandfather, the above mentioned Roger Chetwode, was grandson of a second Roger, who was grandson of a third Roger (husband of Margery Crewe), and this last Roger is connected by a line which would indicate that he was a younger son of Thomas de Wodhull and Elizabeth Chetwode.

It is to be doubted whether Cooper was responsible for the errors on his chart. Those who have used large numbers of charts, and particularly those who themselves have had charts set up by compositors, know how easy it is for printers to insert lines in wrong places, and have learned that it is wise to be suspicious of charted statements which are suspicious on their face. There would of course be no reason for a younger son of Thomas de Wodhull and Elizabeth Chetwode† to adopt his mother's name, unless he inherited the manor of Chetwode from his mother and thus became "of Chetwode" or "de Chetwode." That was not true of Roger, who never was of Chetwode. In his text, Cooper does not mention Roger as a younger son of Elizabeth, and in mentioning the marriage of Agnes Wodhull to Roger's descendant Richard, he describes the latter as "third son of

* Dr. Adams kindly made available the Wodhull records which were obtained in this search, and it is hoped he will feel able to prepare an article on the Elkington family for subsequent publication.

† Two early sources do give Thomas and Elizabeth a younger son, but his name was William de Wodhull.

Roger Chetwode of Oakley, in Staffordshire," with no hint of any Wodhull descent.

The chart is a poor thing. There are obvious errors in the early generations, such as placing Nicholas de Wodhull (d. 1410) as son of Thomas (d. 1303), which would make Nicholas 107 years old at death if born even in the last year of his father's life. It enters the marriage of an Isabel Wodhull to a John (d. 1366) without surname, and inserts an Eleanor (d. s. p. 1375) without a line to indicate her parentage.

But since the question has been raised, and Cooper's chart dragged forth to prove, forsooth, that Grace Chetwode was a Wodhull by male descent, the opposing evidence may as well be set forth. The *Visitation of Bedfordshire*, 1582 (Pub. of Harleian Society, 19: 59-61) placed the Roger Chetwode who married Margery Crewe, not as a Wodhull, but as son of a John and grandson of a John Chetwode, the latter marrying Elizabeth, sister and heir of William Okeley and daughter of Stephen de Okeley [Oakley] in co. Stafford. This last John's father was placed as a younger son of Chetwode of Chetwode. Hence, if these Chetwodes were Wodhulls in the male line, they gave the lie to it when they supplied their pedigree to the heralds in 1582, two centuries before Cooper's chart appeared. The entry was made in the lifetime of Roger, the father-in-law of Agnes de Wodhull, and it was his grandfather's grandfather who was placed as a Wodhull scion on Cooper's chart. It is quite true that gentry families did not always have detailed knowledge of their families that far back, but if they had been of Wodhull male descent, knowledge of that fact should have persisted through four generations.

At a somewhat later date, in the *Visitation of Staffordshire*, 1614 (Hist. Coll. of Staff., Wm. Salt Arch. Society, 5: pt. 2: 74-75), the Roger who married "Margaret" Crewe is called "Richard," but is entered as son of "John Chitwood of Okeley," described as a "brother of the house of Chitwood of Chitwood, co. Bucks." A footnote by the editor, S. Sydney Grazebrook, reads:

In the first volume of the Second Series of Dr. Jackson Howard's 'Miscellanea Genealogica et Heraldica' will be found some valuable information relating to this family of Chetwode, including two pedigrees, the one compiled circa 1650 by Randle Holme of Chester, and the other by Stephen Tucker, Esq., Somerset Herald. These genealogies are of course far more copious than the above Visitation pedigrees, but so far as it goes that recorded at Dugdale's Visitation appears to be correct. The earlier descents, however, as recorded at St. George's Visitation in 1614, are not quite accurate. It was Roger (not Richard) Chetwode, son of John, who married Margaret (or "Margerie") Crewe, and their son was Thomas not John.

The pedigree compiled about 1650 by Randle Holme, referred

to as "valuable" by Mr. Grazebrook, is the parchment roll which descended to Sir George Chetwode, Bart, used by the present writer, after comparison with a number of other sources, in *The Bulkeley Genealogy* (*op. cit.*). It is published in full in *Miscellanea Genealogica et Heraldica*, 2nd Series, 1: 69-80, with many notes referring to inquisitions post mortem and to other documentary sources. It places Roger Chetwode of Okeley (husband of Margery Crewe) as son of John Chetwode of Okeley, and derives the latter from a younger branch of the Chetwodes of Chetwode.

For what it is worth, the peerage "authorities" have always accepted the Chetwodes of Oakley as a junior branch of the Chetwodes of Chetwode. They are so entered in Thomas Wotton's *The English Baronetage* (1741), vol. 4, pp. 82-88; in Burke's *Landed Gentry* (1846 ed., p. 213); and in various other works. In fact, Cooper's chart appears to stand alone in making this Roger Chetwode a Wodhull by birth, and since he offers no explanation of the change of name, and does not even refer to it in his text, we may, in view of the earlier evidence supplied by the family itself as to its origin, dismiss the chart as a bungled example of the compositor's art, unworthy of consideration except that its recent exhumation might mislead the inexperienced.

It is understood that a Woodhull line was given in one of Browning's books, but it is not accessible to the writer. Many of the pedigrees printed in his *Americans of Royal Descent* have been severely criticized by more skillful writers than myself. One of the best of these critics was the *Boston Transcript* writer under the initials C.H.B.A. (Charles Henry Browning, Annapolis), whose articles show that he possessed, when he chose to employ them, no little shrewdness and acumen in analyzing pedigrees. These articles, combined with the author's remarkable disclaimer of any personal responsibility for the pedigrees which appeared in the first edition of his *Americans of Royal Descent*—the disclaimer is prominently displayed therein—make it quite unnecessary to discuss statements in Browning's books.

Pedigrees of some of the Emperor Charlemagne's Descendants (1941), by Marcellus D. R. von Redlich, pp. 237, 239, makes Richard Woodhull born at Thenford, 13 Sept. 1620 [no baptism is recorded there], the son of Lawrence Woodhull, younger son of Fulke Woodhull of Thenford Manor, and a royal line is traced through the Parr mother of Fulke. On page 239 Lawrence Woodhull is called "of Thenford Manor," which he never was, and in strict fact no evidence has yet been seen that he existed even as a younger son of Fulke of Thenford. Since this account follows the *Woodhull Genealogy* in assigning erro-

neous wives to the first three Richard Woodhulls in America,* and bears no evidence of independent research, these statements and the alleged line of descent require verification from documentary sources before they can be accepted.

JACOBUS KOLFS (COLVER) OF NEW AMSTERDAM, NEW NETHERLAND

By WILLIAM J. HOFFMAN, F.G.B.S.

Assuming that the author of the article in *The American Genealogist* of January 1944 under the above title welcomes additions as well as corrections, I submit the following information about Jacobus Kolfs (Colver).

I take this opportunity to make first some general observations with regard to the statement frequently found about early settlers, namely that they were of French Huguenot descent. As is the case in the article under consideration such assertions are in many instances based on: *The History of the Huguenot Immigration to America*, by Charles W. Baird. This author has included in his book many names among the "Huguenot" settlers which rightfully do not belong there. It is a well-known fact that numerous Huguenots settled in America, but it is equally true that a large number of refugees from what is present-day Belgium found their way to our shores. They came from both the Walloon- (that is the French-) speaking part, or the Flemish part of Belgium, and should not be classified as Huguenots. The persecution of the Protestants by the Spanish (Belgium, then known as the Spanish Netherlands was a part of the domains of the King of Spain) was exceptionally severe and brutal during the last quarter of the 16th century. Thousands upon thousands of those unfortunate but brave Walloons and Flemings found their way to various havens of refuge leaving their homeland in preference to giving up their religious convictions.

By virtue of the Edict of St. Germain (1562) and the Peace of Amboise (1563), the French Protestants were allowed comparative freedom. Consequently many Walloon refugees settled at first across the border in Artois and Picardy. The similarity of language and of race was an incentive for many to prefer a settlement in the North of France to that in countries where a different language, a different environment seemed to uproot the settler even more from his native soil. But large numbers

* These errors were corrected in *The American Genealogist*, 13: 69-72, 74-77, published in 1936.

of Walloons and Flemish fled to Holland, England and Germany and settled in such centers of refuge as Middelburg, Leiden, Haarlem in Holland, Sandwich, Norwich, London in England, and Cologne, Aix-la-Chapelle, Wesel and others in Germany (Frankenthal, Mannheim and Frankfurt a/M were of somewhat later date).^{*} In these communities Walloon churches were established. At a much later date the Huguenots joined these churches in larger numbers. But at this early period, up to the middle of the 17th century, the majority of the church membership was of Walloon and Flemish,—that is therefore of Belgian,—descent. The Huguenot exodus started later, shortly before and after the revocation of the Edict of Nantes. However, the name Huguenot conjures memories of suffering, heroic deeds and in many cases of noble lineage. So what is more romantic than to assume that a settler was of Huguenot origin, while the truth of the matter is that the large majority of the early settlers here from Leiden and other places enumerated above were of Walloon and Flemish origin. Their sufferings, their dauntless spirit, their background, are the same as those of the Huguenots and they have contributed in the fullest measure to the economic and cultural life of the lands to which they emigrated.

The name Kolf(s) is a typical Dutch-Flemish name and would seem to indicate an origin from Holland or Flanders and not from France.

My next exception to the information contained in the article is that the author assumes Jacob(us) Calf to be identical with Jacob(us) Kolf(s). A Hollander,—and the records at the time mentioned in the article were kept by Hollanders,—would not confuse these names. Calf is the same as calf in English, kolf is derived from the verb kolven, an old Dutch game, the predecessor of our present golf (see *Encyclopedia Britannica*). As a matter of fact, by the record to follow it is proven that Jacobus Calf and Jacobus Kolf could not have been the same person.

In *Rijksgeschiedkundige Publicaties* (State Historical Publications, the complete series is available at Columbia University Library), Vol. 22, p. 360, the volume dealing with the cloth industry at Leiden, we find enumerated among the cloth workers at Leiden in 1640: Jacob Kolf. The marriage register of Leiden, under date of Aug. 30, 1657,[†] lists the banns of marriage of Jacob Kolft, *lakenwercker*, clothworker, j.m. van Leiden, that is born there, living in the Loyerstraet, assisted by Andries Kolft,

^{*} In the north there were refugee colonies at Emden under the leadership of the famous Polish teacher Johannes a Lasco, and in Holstein at Jever and Friedrichstadt. But these attracted only a very small number of refugees from Belgium. On the other hand, several American settlers came from these towns and districts.

[†] That is about the time when Jacob Calf received his burgher right at New Amsterdam (14 April 1657). It is hardly probable that Jacobus Kolf made as many trips home as the dates in connection with Jacob would indicate if Calf and Kolf were identical.

his father, living on the Middelgraft, and Sara Pieters van Hasebroech, j.d. van Leiden, living on the Minnebroedersgraft, assisted by Niesge Jacobs Withaer, her mother, living at Leiderdorp (a village near Leiden).

It is therefore evident that both Jacobus Kolf and his wife were natives of Leiden. Further research, at present out of the question, might determine the ultimate origin of this couple. The bride's family undoubtedly hailed from Hazebrouck in Flanders.

STRICKLAND NOTES

* Compiled by DONALD LINES JACOBUS, M.A., of New Haven, Conn.

[Continued from Vol. 20, p. 215]

IV. *Family of Edmund Strickland*

EDMUND¹ STRICKLAND, born perhaps about 1610, of Wethersfield, Conn., probably 1635, of Fairfield, Conn., 1639, and of Newtown, L. I., about 1652, died perhaps around 1670; married HANNAH ———, who married second, as early as 1674, Richard Fidoe, who died before 22 Feb. 1683/4. Hannah died after 6 Feb. 1695/6.

Known children:

- i. JONATHAN², b. [say 1635]; d. in 1691; perhaps m. (1) ———; m. (2) MARGARET, widow of Gabriel LYNCH. Children (incomplete record):

1. Jonathan³, living 1716; m. Hannah ———, living 1714.

Children (incomplete record):

- (1) (possibly) Edmund⁴, m. at Newtown, 25 June 1719 [Pres. Church Rec.], Elizabeth Morrel.
- (2) Thomas.

2. Jane.

- ii. SARAH, b. abt. 1644-5; d. 8 Jan. 1741/2; m. (1) [say abt. 1677], THOMAS ROBERTS, b. abt. 1636, d. between 16 and 21 Oct. 1679; m. (2) abt. 1680, JOSIAS FURMAN, Jr., b. abt. 1653.

Possible children:

- iii. ELIZABETH, b. [say 1633-5]; m. [say 1650], CAPT. JOHN SEAMAN.
- iv. MARY, b. [say 1653]; d. 31 Mar. 1714; m. (1) JOHN WEED; m. (2) abt. 1692, JOSIAS FURMAN, SR., b. abt. 1632, d. in 1709.
- v. PETER, of Flushing, L. I.

The following deed is important, tying together three generations of the family in the male line [Town Minutes of Newtown, 2: 425]:

March 22, 1689/90 Intallment. This intailment being a deed of gift made the 22 day of March in the yeare of the Lord 1689-90 and in the 2nd yeare of the Raigh of Kinge Williame by me Jonathan Stricklan of Newtown in quens County one Longe Island sener to my sone Jonathan Stricklan iuner of the foer sd towne and place know ye theare foer that I the sd father doe give unto my said sone for divers good causes in me their unto moving and my owne fre voluntary will and plasuer I give and grant unto sone Jonathan Stricklin my home Lote in Newtown Lying between that which was Peter Macocks and Garsham Moors with the madows and all that doth their unto belong it ded belonge to my owne father Edman Stricklan the Lot which I now give to my sone Jonathan Stricklan his gran sone and his heyers for Ever and more over I give my sd son and his heyars for Ever a sartin trackt of Land Lyinge at Mashpake Kiles in the bounds of Newtown bounded by Edward Stevensons Land on the south west side and by the highway that goes to the farey on the north west side by the woods and on the north east sid and by the wood on the south East sid and moer over I the sd Jonathan Stricklan sener Doth Give unto my sd son Jonathan Stricklan and his heyars for Ever one ingen lade* to have and to hould the said Lade to him and his heyers for Ever with the sd Lands and Every part and parsel their of with all the prevelegs and appurteninces there unto belongin inrevokabel to him and his heyers for Ever now the Conditions of this Deed of gift is. Such that if my sd son shall without issue die the sd Lands with the ingen Lade shall return to me his sd father againe if Liven if not Livin all the foer sd Lands with the Lade shall return to his sister Jane and hur heyars for Ever and If shee should be dead and have no Children Livin then the foer sd Lands and Lad shall return to the next of kind which is nerist to me the sd Jonathan Stricklan sener by Blud and their to Remain to them their heyers for Ever and for the true preformment heare of I seat to my hand and seale the day and date above write

His
Jonathan (R) Stricklan
Mark

Wit.: John Stueard
Elesabeth Stueard

The elder Jonathan did not long survive this deed of entailment. He died at Newtown intestate, and his inventory, taken 16 June 1691, showed only personal estate valued at £62. The third Thursday in September, the widow Margaret was appointed administratrix. [*N. Y. Gen. and Biog. Record*, 65: 118.]

Gabriel Lynch or Linch, a weaver, had two children born at Branford, Conn.: *Margaret*, born 8 Feb. 1659/60, who became the wife of John Furman; and *Elizabeth*, born 24 Feb. 1661/2, who became the wife of Benjamin Severns. There was also a son Gabriel, a blacksmith, who settled in Rye, N. Y. On 2 Mar. 1663, Gabriel (his name rendered Finch in the printed record) bought from John Strickland of Jamaica the latter's house and land in Huntington, and on 24 Feb. 1666 Gabriel sold to Epenetus Platt the property "formerly in the occupacon of Mr Stiklin." [Huntington Town Rec. 1: 54, 82.]

The marriage of Jonathan Strickland to the widow Margaret Lynch is proved by the following records:

* Indian lad.

March 26, 1686. Know all men by these presents that wee beni. . . severns and Elizabeth his wife being the daughter of Gabrill Linch deceased doe fully and absolute . . . acknowledg to have Realy and fully Receaved full satisfaction of our father In Law Jonath strick . . . concerning our father Linch Estate. [Town Minutes of Newtown, 2: 325.]

Sept. 19, 1690. Jonathan Strickland of Newtown for and in consideration of a certaine sum of money to him in hand paid before the ensealing and delivery by Gabriell Lynch of Rye in the county of Westchester, blacksmith, whereof he doth hereby acknowledge and himself to be fully satisfied—for ever acquit and discharge the said Gabriell Lynch grant and sell all that a certain moytie or equal half part of all the lands meadows and pastures late in the tenure occupacon and possession of the sd Jonathan Strickland.

Wit.: Jonathan Hazard
Benjamin Severns
Andrew Gibb

Jonathan Strickland
(L. S.)

June 30, 1691

[Liber A, page 50, Queens County Deeds.]

The following deed pertains to Jonathan Strickland, Jr.:

Sept. 14, 1691. Gabriell Lynch of Rye in the county of Westchester blacksmith and sone and heir to Gabriell Lynch late of Newtown deceased, in consideration of a certain sum of money to him in hand paid before the ensealing and delivery of these presents by Jonathan Strickland of New Towne where he doth acknowledge himself fully satisfied and paid of every part and parcell for ever acquitt and discharge the sd Jonathan Strickland release quitt claim and confirm unto the sd Jonathan Strickland all these messuages tenements lands meadow pastures scituate lying and being in New Towne.

Wit.: Jonathan Hazard
Benjamin Stevens [Severns]
Andrew Gibb

Gabriell Lynch (L. S.)

Sept. 17, 1691

(Liber A, page 52, Queens County Deeds.)

On 26 Apr. 1695, Jonathan Strickland of Newtown with the consent of Hannah his wife sold land to Jonathan Field of Newtown, one of the witnesses being Josias Forman [Liber A, p. 182, Queens County Deeds]. Jonathan Strickland of Newtown, with the consent of Hannah his wife, sold 14 Dec. 1696 to Jacob Ramson of Jamaica, 10 acres at "Oldfelds Neeke" in Jamaica [Records of the Town of Jamaica, 2: 283]. On 1 Jan. 1706/7, Jonathan Strickland of Newtown, planter, and Hannah his wife, for £20, conveyed to Johanis Fyn, about 10 acres "begining at a chestnut Tree so running down by a Range of Stakes to Flushing Creek by ye meadow of John Reeder and on the north side by ye meadow formerly belonging to Gabriel Luich [Linch] now in possession of Jno Furman Senior also by a range of stakes from ye first station to the towns lands" [Liber B, pp. 309-311, Queens County Deeds].

This Jonathan, unlike his father, signed his name. On 28 May 1712 he, with Joseph Forman, John Foreman, and other freeholders, granted full power to the Trustees of Newtown to settle all boundaries of the town [Liber C, p. 128, Queens County

Deeds]. Jonathan Strickland and Hannah his wife conveyed to John Hunt, 9 Jan. 1714, and Jonathan Stricklan witnessed a deed, 13 Dec. 1716 [Newtown Record, edited by William O'Gorman, pp. 86, 95].

Margaret Strickland who was received into the Newtown Church after 1708 was probably the widow of Jonathan, Sr. [Pres. Church Rec. p. 2]. She was probably also the "Widow Stricklan" who on 2 Oct. 1717 was "freed from paying any rates in this town for Ever" [Newtown Records, O'Gorman, p. 183]. The following record is of interest:

Sept. 18, 1721. This Indenture Witnesseth that Thomas Stricklan, son of Jonathan Stricklan, Hath put himself, and by these presents doth voluntary and of his own free will and accord put himself apprentice to Cornelius Berrien Weaver to learn his Art, Trade, Etc. Wit.: Jonathan Fish, Gershom Moore. [*ib.* p. 99.]

Among the large number of debtors to the estate of John Severns of Trenton, Hunterdon Co., N. J., 4 Mar. 1732/3, were Jonathan and Thomas Strickland [N. J. Archives, 30, Wills 2: 426, 427].

V. Peter Strickland of Flatbush, L. I.

Cornelius Johnson Berrien of Newtown, in his will dated 12 Dec. 1687, signature acknowledged 29 Jan. 1688/9, proved 21 May 1691, named his wife Johannah, children (unnamed except John), and overseers: "brothers-in-law Abram of Newtown & Peter Strickland of Flatbush" [N. Y. Gen. and Biog. Record, 65:117]. The wording is peculiar; the surname of Abram may have been omitted by accident in the liber of Queens County wills, which is not the original record book, but a fairly modern copy, and unless the original can be seen, we cannot even be certain that "brothers-in-law" should be plural. The wife of Berrien, it has always been supposed, was a Stryker, yet Berrien would not likely have *two* brothers-in-law named Strickland unless he married their sister.

Further records are needed before any legitimate conclusions can be drawn. All that we know is that there was a Peter Strickland of Flatbush, and that he may have been brother-in-law of Cornelius Johnson Berrien of Newtown. It is possible that Peter was a younger son of Edmund Strickland. It is certain that Edmund's great-grandson apprenticed himself, as shown above, to a younger Cornelius Berrien. This may or may not be significant.

Peter was of Flatbush in 1687, so can hardly be the Peter who was of New London from 1675 on, nor is it likely that he was old enough to be his father.

VI. *Thwaite Strickland of Dedham and Hartford*

THWAITE STRICKLAND of Dedham, Mass., married ELIZABETH, probably daughter of Edward and Violet SHEPARD of Cambridge, Mass. At Dedham "y^e wife of Twaites Strickland" was received into the church 3 May 1650. Five of their children were recorded there [*Dedham Records*, 1:3, 4, 6, 7; 2:31, 32, 34]; the sixth and youngest, from his stated age, was probably born in the neighborhood of Stonington, Conn.

In 1670 Daniel Gookin of Cambridge, Mass., claimed a right in the Pequot country which had been incorporated in the new town of Stonington, one of his evidences being the fact that in May 1662 he had built a dwelling house there for his tenant, "Thait Strickland" [Col. Rec. of Conn., 2:546]. It seems that for some years he lived in the wilderness. He appears to have died at Hartford, Conn., his inventory being taken by Hartford appraisers on 21 June 1670, but he may have died some time before that. Administration on the estate was granted, 1 Sept. 1670, to "Nicholas Disbroe," who by that date was almost certainly married to the widow. The children were named as Elizabeth Andrews, aged 23, John, 21, Joseph, 15, Jonathan, 13, and Ephraim, 7. [Manwaring's *Digest*, 1:243].

The estate was small, the widow receiving £20, and each child £5. But Gregory Wolterton or Winterton of Hartford took an active interest in the family, and on 30 June 1674 (only seventeen days before he made his will) gave them 30 acres in Hartford on the Wethersfield highway. This is entered in the Hartford Book of Land Distribution immediately under the lands of Nicholas Disborough, as "land which Gregory Winterton gaue to Eliz. Disborow lyeing about poke hill dureing her life & after her deceasse to be to her Sons John Strickland, Joseph Strickland Jonath. Strickland & ephraim Strickland, equally diuided &c as appears by a writeing dated June 30. 74 Signed by sd Gregory winterton recorded Aprill. 24. 1677." [Conn. Hist. Soc. Coll. 14:140.]

This land was sold 5 Feb. 1683/4 to Nathaniel Sanford by "John Joseph & Jonathan Strickland & Ephraim Strickland wth consent of eliz. Disbrow," and was now described as "lyeing near poak Hill containing by estimation about forty acres" [*ib.*, 14:100].

Gregory Wolterton of Hartford made his will 17 July 1674 and gave many legacies to several groups of people who were presumably related to him or to one or more of his wives. He gave land to John Shepard, Sr. (who settled in Hartford), stipulating that John should make certain payments to his father Edward Shepard, his sister Deborah Fairbanks, and his sister Abigail's children [Manwaring's *Digest*, 1:259, with correc-

tion]. He left nothing to John Shepard's sister Elizabeth, and this may be because he had just conveyed land by deed of gift to Elizabeth (Shepard?) (Strickland) Disbrow and to her four sons. The deed gave nothing to Elizabeth's only surviving daughter, who in 1670 was 23 years old and was then Elizabeth Andrews. But in his will he gave "unto Elizabeth Andrews, the wife of John Andrews Junior, 40 shillings."

It will be seen from the above facts that Thwaite Strickland was not connected with John Strickland at Charlestown or Watertown, Mass., nor at Wethersfield or Fairfield, Conn. He was of Dedham, Mass., was agent for a Cambridge man, probably married a Cambridge girl who had Hartford connections, and the removal of the family to Hartford may properly be attributed to the influence of Gregory Wolterton. There is not the slightest reason to assume any connection between Thwaite and John Strickland except that they were born with the same surname.* The pay-off is a passage in Winthrop's Medical Journal† (p. 808), which states that in 1668 he doctored Ephraim, five-year old "son of Twaits Strickland at G[oodman] Walterton of Hartford." The Stricklands were *living* with Gregory Wolterton.

In conveying the property received from Wolterton, it appears that Elizabeth Disbrow was disposing of her life interest in it and also acting for her son Ephraim, who was incapable. He was cared for by his brother Joseph, as appears by a petition of Joseph's widow in 1706 [*Col. Rec. of Conn.*, 4:540]. Of the other brothers, John founded the Glastonbury family, and Joseph founded the Simsbury family. We believe that Jonathan removed to Southampton, L. I., a point which requires discussion.

The Southampton Census in 1698 shows Jonathan and Mary Strickland living there, evidently recently married as no children appear. Peregrine Stanborough, on 13 June 1700, "for love and affection for my daughter Strickland, and a bill for the sum of £9, from my son-in-law Jonathan Strickland," sold to the latter 12 acres, which Strickland, calling himself "cordwainer," sold the same day to Joseph Moore. The same day, Jonathan bought 3½ acres from Joseph More, gentleman. On 20 Apr. 1704, Jonathan Strickland, tanner, and wife Mary, for £60, sold to Joseph Moore a house, 5½ acres, barn and tan yard. [Sixth Volume of Records of Southampton, pp. 15, 43.]

The will of Peregrine Stanborough of Southampton, dated 17 May 1699, gave 12 acres to his daughter Mary wife of Jonathan Strickland. Deacon Peregrine Stanborough died 4 Jan. 1701 in 62nd year, according to his stone in the Sagg burying ground, but the probate record states his death as 15 Jan. 1701/2.

* The writer states this conclusion with all the more vigor because some years ago, after only a partial study of the sources and relying too greatly on printed "authorities," he left Thwaite as son of John when editing *One Branch of the Miner Family* (1928).

† Genealogical items extracted by Col. C. E. Banks, Library of Congress.

The daughter Mary was born 14 Oct. 1672. [Pelletreau's *Early Long Island Wills*, pp. 233-238; Second Volume of Records of Southampton, p. 294.]

Jonathan Strickland of Southampton cannot be identified with Jonathan, Jr., of Newtown, who was living at Newtown with a wife Hannah at this time. Since Thwaite's son Jonathan was fifteen years older than Mary Stanborough, it might be questioned whether he was suitable in age for her husband. We believe, nevertheless, that he was the Southampton man. Thwaite's son was living 5 Feb. 1683/4, when he joined his brothers in selling the Wolterton property. We find no further record of him in Connecticut. But when Sarah, widow of Thomas Wickham of Wethersfield, made her will, 15 Dec. 1699, she gave a legacy to her son Joseph Wickham "besides that £5 which he received in Money Pay of Jonathan Strickland of Long Island" [Manwaring's *Digest*, 1:596]. Now Joseph² Wickham, as is well known, settled in Southampton, L. I. The payment made to Wickham by Jonathan Strickland was probably money he owed to Wickham's mother in Wethersfield, which she permitted Joseph to retain as part of his portion; or else Jonathan had taken the money to Joseph at Southampton, acting merely as Sarah Wickham's agent in the matter. In either case, a connection with the Connecticut River towns is clearly indicated.

Children of Thwaite and Elizabeth (Shepard?) Strickland:

- i. ELIZABETH¹, b. 15 Apr. 1647; bapt. 5 May 1650; m. JOHN ANDREWS, JR.
- ii. JOHN, b. 17 Feb. 1648/9; bapt. 5 May 1650; settled in Wethersfield, the east side which in 1690 became Glastonbury; m. 1 Sept. 1676, ESTHER SMITH, dau. of Richard of Wethersfield. She d. before 4 Oct. 1725 [Manwaring's *Digest*, 2:484].

Children (incomplete record):

1. Rebecca², b. 4 Sept. 1677; d. Sept. 1715; m. 7 Mar. 1705, Simon Couch.
2. Joseph, b. 16 Feb. 1678/9; d. in 1726 [Manwaring's *Digest*, 2:585]; m. Naomi ———, who m. (2) Thomas Loveland. Issue.
3. John, b. [say 1681]; d. 25 Dec. 1711 [Manwaring's *Digest*, 2:310]; m. 8 Mar. 1705, Elizabeth Dickens of Hartford. Three children.
4. Benjamin, b. 1 Mar. 1682/3; m. 2 Dec. 1708, Elizabeth Loveland. Issue.
5. Jonah, b. 2 Feb. 1685/6; m. at Middletown, Conn., 21 Nov. 1711, Martha Hubbard.
6. (perhaps) David, m. at Middletown, Conn., 2 May 1711, Elizabeth Hubbard.
7. Samuel, m. 4 Dec. 1717, Sarah Pryor, dau. of John of Enfield. Issue.
- iii. REBECCA, bapt. 19 Jan. 1650/1; d. young.
- iv. JOSEPH, b. 22 Jan. 1654/5; bapt. 4 Mar. 1654/5; d. at Simsbury, Conn., 9 Feb. 1702/3 [Manwaring's *Digest*, 2:123]; m. ELIZA-

BETH ———, living in 1714, not having then remarried. Children (complete record):

1. *Elisabeth*^s, b. 29 Jan. 1685/6.
 2. *Hannah*, b. 26 (Mar. or May) 1687; m. 12 Dec. 1717, Joshua Moses.
 3. *Joseph*, b. 19 Aug. 1689; d. 13 Apr. 1714 [Manwaring's *Digest*, 2: 310].
 4. *Mary*, b. abt. 1691; d. 15 July 1714.
 5. *Samuel*, b. 11 Nov. 1697; m. 28 July 1720, Sarah Hill, who d. 25 Dec. 1736. Issue.
 6. *Edward*, b. 19 July 1701; m. 22 July 1734, Rebecca Slater. Issue.
- v. JONATHAN, b. 23 June 1657; settled in Southampton, L. I.; m. abt. 1697 (possibly as his second wife), MARY STANBOROUGH, b. 14 Oct. 1672, dau. of Peregrine and Sarah (James) Stanborough, and granddau. of Rev. Thomas James.
- vi. EPHRAIM, b. abt. 1663; living 1706; d. unm.

JOSEPH² DICKINSON AND THOMAS³ DICKINSON

Evidence was presented in Vol. 20, pp. 166-171, to prove that Thomas Dickinson of Glastonbury, Conn., and Phebe the wife of Stephen² Hurlbut of Wethersfield, Conn., were children of Joseph² and Phebe (Bracy) Dickinson. Mr. Walter E. Corbin, of Florence, Mass., kindly sends a literal transcription of the births of the children of Joseph and Phebe, as entered in the little old book of Northampton Records:

1664 March 5	Joseph and phebee Dickerson has A child Still borne [p. 9]
1666 May 24*	Sam ^{ll} son of Joseph and pheebec Dickerson was borne [p. 10]
1668 Aprill 27	Thomas son of Joseph and Phebe Dickerson was born [p. 11]
1670 May 20	Nathanel the son of Joseph and phebee Dickerson was borne [p. 12]
1672 May 2	John son of Joseph and Phebee Dickerson was born [p. 14]
1674 May 15	Azariah son of Joseph & phebe Dickerson [p. 17]

The child born in 1668 is incorrectly given as Joseph in the *History of the Town of Northfield* (1875) by J. H. Temple and George Sheldon, p. 430; also in L. M. Boltwood's genealogies in Sylvester Judd's *History of Hadley* (1905), Appendix, p. 35. That this child was really Thomas confirms the conclusion that Thomas of Glastonbury was son of Joseph of Northampton, and provides him with a date of birth.

The odd thing is, that Joseph did have a son Joseph, who died

* The month and day are worn off in the original, and are found in the Town Copy only.

in 1683, proved by the New Haven County Court records; his birth, instead of the birth of Thomas, was unrecorded, and he and Phebe were the two surviving unrecorded children. So far as dates are concerned, Phebe could have been born 1660 and Joseph 1662; but they may have been born slightly earlier, for as pointed out before, the elder Joseph could have married as early as 1656 or 1657, and for all we know he may have had, besides Phebe and Joseph, other unrecorded children who did not survive infancy. We are much indebted to Mr. Corbin for the important correction.

RECENT BOOKS

The Providence Oath of Allegiance and its Signers, 1651-2. By Richard LeBaron Bowen. Issued from the General Court of the Society of Colonial Wars in the State of Rhode Island and Providence Plantations. Providence, 1943. Cloth, 92 pp. With a photograph of the original document, owned by Frederick Stanhope Peck, Esq., of Barrington, R. I., and maps of early Providence; and name index. An important contribution to early Rhode Island history, with new light on the trial of Hugh Bewitt for high treason. Personalized history; accounts, fully documented, of the careers of the Signers of the Oath.

Daniel Wilcox of Puncatest and the Genealogy of some of his Descendants. By Herbert A. Wilcox, South Pasadena, Calif., 1943. Cloth, 158 pp. Indexed. Early generations; later generations limited to descendants of Gideon and William, sons of Josiah⁴, Edward³, Daniel², Edward¹. Historical introduction (39 pp.); illustrations.

Lower Sandusky Cemetery, Fremont, Ohio. Copy of title to Ground; full head-stone records. 1907. Prepared and published by Jacob Burgner. Reproduced by E. E. Brownell, Philadelphia, Penn., 1943. Paper, 15 pp.

Colonial Wars of America. A synopsis of the military and civil records of some of the New Haven men originally buried on New Haven Green By James Spencer Hedden, 722 Elm Street, New Haven, Conn., 1944. Paper, 21 pp., mimeographed.

WANTED

BUTTS. Ancestry of Stephen and Hannah Ellen (Baker or Bacon) Butts, who moved in 1853 with five children from the locality of Terre Haute, Ind., to Oregon.

WORTMAN. Charles Edward, b. in Morgan Co., Ohio, 27 Aug. 1852, son of Jacob Wortman, b. at Sonora, Ohio, and Catherine Hamilton, his wife. Ancestry desired.

Mrs. Ray Cain
530 W. Dalton Avenue
Spokane, Washington

NOTES.

SIMMONS—KEEN. Mention was made *ante*, vol. 18, p. 116, that Robert Keen, son of Ephraim and Hannah (Sprout) Keen of Middleborough, Mass., lived in Swansea, Mass. He was born in Middleborough, 12 Mar. 1721/2. The marriage of Robert Keen to Elizabeth Seaman on 12 July 1744 is found in the Swansea records published in the *Boston Transcript*, 9 Sept. 1939. That the name intended is Simmons is proved by records found by Mr. Francis Richmond Sears. Remembrance² Simmons, son of John¹ and Martha of Freetown, m. at Taunton, 17 Dec. 1701, Hannah Smith, daughter of Dermit, and had children:

1. Remembrance, b. Freetown, 11 Feb. 1702/3; m. Sarah ———.
2. Hannah, b. Freetown, 15 Nov. 1704, m. her cousin Oliver³ Simmons (John², John¹).
3. Abial, b. Freetown, 8 Dec. 1707; m. (Lydia Pearce?).
4. Barsheba (Bathsheba), b. Swansea, 26 June 1710; m. Jonathan Perry.
5. Benjamin, b. 27 July 1717.
6. Elizabeth, m. 12 July 1744, Robert Keen.
7. Joseph.

The evidence is found in Bristol County (Mass.) Probate, 7:192, division of estate of Remembrance Simmons 5 Apr. 1731, which names "Elizabeth the third daughter," and Deeds, 48:83, of heirs of Remembrance Simmons, 24 Apr. 1758, in which Elizabeth Keen joined.

—Zora Shields, Omaha, Neb.

CENTER—TODD—HUNT. In the account of the Center family, *ante*, vol. 20, p. 110, it was stated that the identity of Ruth, wife of John Center, Jr., had not been learned. Some of their children were baptized in Rowley, Mass., and the church records identify her as Ruth Todd, daughter of John Todd of Rowley. For this information we are indebted to Mr. Clarence Almon Torrey of Dorchester, Mass., who points out that this Ruth Todd has usually been stated to be the wife of Samuel Hunt, Jr., on the basis of the recorded marriage. The clerk appears to have erred, however, for Samuel Hunt had a wife Mary, and the will of John Todd, dated 13 Feb. 1689/90, mentions wife (unnamed); sons John, Timothy, Samuel and James, and daughters Mehitable, Ruth and Mary, who is to have "so much as will make up what I engaged brother Hunt he performing what he promist to her husband." It therefore may be concluded that the wife of Samuel Hunt, Jr., was Mary Todd, b. 10 June 1659. The agreement mentioned in the will clearly

pertains to what each father promised his child when the marriage was planned, and "brother Hunt" refers to the father of the bridegroom. It may be mentioned, in passing, that the term "brother" was often applied as a courtesy title between men whose children married, hence does not necessarily imply an earlier marriage connection between the families.

—Donald Lines Jacobus, *New Haven, Conn.*

✓ **McMULLEN.** A few years ago I purchased a copy of the printed Pelham (Mass.) Vital Records, in which the former owner had made additions in ink to the incomplete birth records of the McMullen family. Although the source and accuracy of the additions are unknown, the items are presumably from a family record, and may be of aid to those interested in the family.

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McMullen [Mary] d. James and Sarah Mar. [1] 1786

(The name Mary has been crossed off and *Roxana* substituted)

William s. Will[ia]m (McMullin) and Hanah Dec. 23 —

(The missing year date has been filled in as 1784)

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McMullen [torn] Caldwell s. Patrick and Mary Jan. 25 [1721] 1751

[torn] s. " " " Mar. 23 1752

[torn] s. " " " Apr. 26 1754

[torn] s. " " " Mar. 29 1756

[torn] s. " " " Feb. 7, 1758

(The missing names have been filled in as *James Caldwell* (1751), *Thomas* (1752), *John* (1754), *William* (1756), and *Samuel* (1758). The date of birth of *James Caldwell McMullen* has been altered to *March 21 1751*.)

—Walter E. Corbin, *Florence, Mass.*

✓ **RETHEL—MARMION—CAMVILLE.** Referring to my recent article (*ante*, vol. 20, pp. 255-6) identifying the wife of Robert (I) Marmion as Milicent de Rethel, it should perhaps be pointed out that many Americans of baronial descent can claim her as an ancestress, not only through the Marmion line, but also, and perhaps more commonly, through the Camville line.

Milicent and her second husband, Richard de Camville, were ancestors of the Longspeys and Harcourts. Dugdale, in his account of the Camvilles in the *Baronage*, has, as he quite frequently does, disregarded chronology and telescopes the second Richard into his father, thus making a man who was active in the wars of Stephen and the Empress a commander of Richard's fleet on the Third Crusade.

Richard de Camville was an active adherent of Stephen and early in 1142, as a member of Stephen's court, he witnessed a

charter of that King to William, Earl of Lincoln (Round's *Geoffrey de Mandeville*, pp. 158-60), and in 1147 he witnessed an agreement between Stephen and Henry, Duke of Normandy (Henry II) (Dugdale's *Baronage*, I, 627). In 1155/6 he was Sheriff of Berks (P. R. 2 Hen. II) and in 12 Henry II (1165/6) he held a fee of the old feoffment (Red Bk.). When he died is uncertain, but evidently the entries relating to Richard de Camville in the latter part of Henry's reign refer to his son. The latter was one of the Commanders of Richard's fleet on the Third Crusade, and one of the Governors of Cyprus, and died at the siege of Acre in 1191 (Hoveden).

Richard (I) was father of Gerard de Camville, who died about 1208-14. Gerard married, as her second husband, that redoubtable lady, Nichola de la Haye, and had with her the Constablership of Lincoln Castle. Their granddaughter, Idonea, daughter of their son Richard, married William de Longespey, the Paladin,* who fell at Damietta on the Crusade of St. Louis. Richard (I) also had sons Walter and William and two daughters, Maud who married William de Ros and Isabel, the wife of Robert de Harcourt of Bosworth, co. Leicester. She had as her *maritagium*, Stanton, later called Stanton Harcourt, co. Oxon, which Queen Adeliza had given to Millicent her mother, and it is now the chief seat of the English Harcourts, having descended in that family from that day to this.

—G. Andrews Moriarty,
Ogunquit, Maine.

* His father, of like name, was a natural son of King Henry II. Unless I mistake, descents are traceable from Idonea through her daughter Ela, wife of James d'Audley.
—D. L. J.